



AAA Mediation.org™

**FN-4223525 MN-4223525 LN-4223525,
Esq.**

New Rochelle, New York

Current Employer-Title Delehanty Resolutions, LLC, Managing Member, Arbitrator and Mediator

Professional Summary After graduating from the University of Chicago Law School, joined the NY law firm of Paul, Weiss, Rifkind, Wharton & Garrison, and litigated complex securities, antitrust and IP cases. Started litigation firm called Parker, Auspitz, Neesemann & Delehanty with another lawyer from Paul Weiss and two lawyers from Sullivan & Cromwell. Specialized in commercial and IP litigation, including patent cases. After 10 years, merged firm into Morrison & Foerster, specializing in patent litigation in the US, Europe and Japan. Spent the last 18 years of career at Mintz Levin, litigating patent and IP cases. For the last 5 years, have conducted a patent and commercial arbitration and mediation practice.

Profession Attorney, Arbitrator, Mediator

Work History Managing Member, Arbitrator and Mediator, Delehanty Resolutions, LLC, 2018 - Present; Partner, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 2000 - 2018; Partner, O'Sullivan Graev & Karabell, LLP, 1995 - 2000; Partner, Morrison & Foerster, 1987 - 1995; Partner, Parker Auspitz Neesemann & Delehanty, 1977 - 1987; Associate, Paul, Weiss, Rifkind, Wharton & Garrison, 1970 - 1977.

Experience More than 50 years experience litigating patent, intellectual property, securities, antitrust, contract, insurance, employment, commercial, business tort, and bankruptcy cases at trial and appellate levels throughout the United States. Clients include major industrial, pharmaceutical, energy, financial services, entertainment, sports, and airline companies.

More than 25 years experience as a neutral arbitrating and mediating patent, intellectual property and other disputes, including disputes regarding the validity and infringement of pharmaceutical patents and the validity and infringement of computer software patents.

Patent litigation experience covers many technologies, including CRM computer software, off-shore oil drilling equipment, high protein nutrition bars, microwave disinfection units, uninterruptible power supplies, design patents, extended text labeling systems, plastic binding strips, solder reflow ovens for semiconductor chips, thixotropic aluminum, and automobile parts casting. Intellectual property litigation experience also includes trademarks, copyrights and publishing disputes. Chief trial counsel in many patent jury trials and chief appellate counsel in many patent appeals to the Court of Appeals for the Federal Circuit.

Securities experience includes representing world's largest stock transfer company in more than 35 contract, fraud, securities and business tort litigations.

Antitrust experience includes price fixing, monopolization, Walker Process and Sherman Act litigation.

Employment experience includes Title VII and FLSA cases.

Contract litigation experience includes representing major airline in disputes with the principal lender, representing sports venue and major league team in a dispute concerning television contracts; representing artists, writer and musicians in various licensing and publishing disputes and representing non-profit entities in insurance coverage and other disputes.

Real estate and construction experience includes disputes concerning construction and renovation of major commercial properties in the New York metropolitan area.

Mediator Experience

Most experience as a mediator has been in intellectual property matters, particularly patent and trademark cases. Representative cases have included computer software patent disputes, pharmaceutical patent licensing matters, disputes involving patents owned by biotechnology companies, litigation concerning consumer products, and disputes concerning drug development contracts and associated FDA issues. Have also mediated cases in a wide variety of other contexts including commercial and residential real estate, print and billboard advertising, small business disputes, intra-family disputes, trusts and estates issues, fashion, jewelry, film and entertainment, employment, legal fee disputes, and automotive repair services. Parties have ranged in size from Fortune 50 companies to individuals; most are commercial cases among businesses. Amounts in dispute are usually in the \$1 million to \$50 million range.

Representative Issues Handled as a Mediator

The primary issues in the mediations include patent validity and infringement, trademark infringement, false advertising, breach of contract, FDA compliance, interpretation of contractual terms, construction of licensing provisions, quantification of royalties and other damages, attorneys fees, analysis of commercial real estate leasing and sales contracts, terms of employment contracts, fraudulent inducement in the formation of contracts and licenses, and punitive damages.

Mediator Style & Process Preferences

I am a strong advocate of the mediation process as a lawyer representing my clients and as a neutral seeking to facilitate a settlement by the parties. My role is to be completely prepared prior to the commencement of the mediation. By carefully studying the submissions of the parties and making it clear from the outset that I am a neutral, a facilitator of the settlement, not a decision maker, and that I am willing to take as much time as is necessary to assist the parties in reaching a resolution.

I encourage direct dialogue between the parties themselves and urge counsel to act as counselors for their clients, not just adversaries. By that I mean that counsel should be candid with their clients about the strengths and weaknesses of their cases and fully inform them of the risks of proceeding with the litigation. I usually hold joint sessions and then caucus with the parties and counsel to give them an opportunity to discuss their positions confidentially with me. If asked, I will give my opinion on the issues and help the parties craft their settlement offers and demands. I try to be as creative as possible in recommending solutions and overcoming barriers to settlement. That may include meeting with the parties together without counsel present if counsel and the parties agree. If the mediation has reached an impasse, with the parties permission, I will make mediator's proposal which either party can accept or reject. This approach has worked in several of the mediations I have handled.

Technology Proficiency

Very familiar with a variety of technologies, including computer software and hardware, semiconductor chips, industrial products, including oil drilling equipment, microwave disinfectant units, uninterruptible power supplies, extended labeling systems, binding strips, thixotropic aluminum, and automobile parts castings. Also have substantial knowledge of the composition of pharmaceuticals and medical devices.

Education

University of Chicago Law School (JD - 1969); Brown University (BA - 1966).

Professional Licenses

Admitted to the Bar: New York, 1971; U.S. District Court: Southern, 1973 and Eastern, 1973 Districts of New York; U.S. Court of Appeals: Second, 1975, Third, 1972, Fourth, 1996 and Federal, 1989 Circuits; U.S. Supreme Court, 1984.

Professional Associations

American Bar Association; New York State Bar Association (Section of Alternative Dispute Resolution); New York City Bar Association (Arbitration Committee, ADR Committee).

Recent Publications &

Authored many articles on ADR and intellectual property issues. Speaker at American Intellectual

Speaking Engagements	Property Law Association, American Bar Association, Association of Corporate Patent Counsel and Licensing Executives Society events. Speaking engagements and articles include five articles on Mediation Strategy in the New York Law Journal published between 2020 and 2023; AIPLA Mid-Winter Institute - January 28, 2016: "Mediation as an Effective Tool for Resolving Patent Disputes." ARIAS U.S. 2015 Umpire Master Class - November 11, 2015: "The ARIAS U.S. Streamlined Rules for the Resolution of U.S. Insurance and Reinsurance Disputes." AIPLA Spring Meeting– May 2014: "The Often Neglected Art of Drafting the ADR Clause in a License Agreement." Licensing Executives Society – November 2013: "Best Practices – Alternative Dispute Resolution and Licensing." ABA- IPL Spring Conference in DC – April 2013: CPR – "Effective Practices Protocol for Patent Mediation." ACPC (Association of Corporate Patent Counsel) Winter Meeting in Orlando, Florida, January 2013: "CPR Patent Mediation Task Force – Findings and Recommendations." "Report of the CPR Patent Mediation Task Force – Effective Practices Protocol" – January 2103. "Why Patent Mediation Works" – CPR Mediation Task Force Brochure – January 2013. ABA ADR Section Annual Spring Conference in Washington DC – April 2012: "Confidentiality and Disclosure Issues for ADR Neutrals in Technology Disputes." CPR Y-ADR Seminar Hosted by Mintz Levin – October 2011: "Successful ADR Strategies for Life Sciences Companies: What Young Lawyers Should Know." NYIPLA 27th Annual Joint Patent Practice Continuing Legal Education Seminar – New York, April 2011: "Ethical Considerations Under Federal Rule of Civil Procedure 26 as Amended in December 2010." Mintz Levin Patent Litigation Group (MLPG) Newsletter – February 2011: "The Benefits of Mediation and/or Arbitration over Trial." AIPLA Mid-Winter Institute, La Quinta, California, January 2010: "The Ethical Minefields of ADR, Arbitration, and Mediation – What Every Lawyer Needs to Know."
Locations Where Parties Will Not be Charged for Travel Expenses	The parties will not be charged for travel expenses anywhere in the United States.
Mediation Rate	\$4,500 Per Day
Languages	English
Citizenship	United States of America
Locale	New Rochelle, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.