



WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

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Date of Birth: April 22, 1931

Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Registered to practice before United States Patent & Trademark Office, 1982;

Licensed to practice in United States Supreme Court, 1968;

Licensed to practice law, N.Y. State Bar, 1957;

LLB, Cornell University, 1957;

BME, Cornell University, 1953.

Accolades/Awards:

Recipient of ABA's Section of Dispute Resolution's 2006 "Lawyer as Problem Solver Award".

LANGUAGES

English.

May 29, 2009

PRESENT POSITION

Acting as a neutral in domestic and international arbitrations and mediations.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Fish & Neave - Senior Partner (Managing Partner, 1981-84).

MEMBERSHIP IN PROFESSIONAL BODIES

Fellow, Chartered Institute of Arbitrators, present;
Fellow, International Academy of Mediators, present;
Fellow, American College of Civil Trial Mediators, present;
Fellow, College of Commercial Arbitrators, present;
Accredited CEDR Mediator, present;
American Bar Association;
Judge, Vienna Arbitration Moot, 2000 – present;
Member, Mediation Panel, U.S. District Court, District of New Hampshire, 1999-present;
Member, Mediation Panel, U.S. Court of Appeals for the Federal Circuit, 2005-present;
Member, Mediation Panel Superior Courts State of New Hampshire, 2005-present;
Chair, American Intellectual Property Law Association (AIPLA), ADR Committee, 1993-95;
Association of the Bar of the City of New York, ADR Committee, 1987-90 and 1991-94;
Chair, Association of the Bar of the City of New York, Arbitration Committee, 1994-97;
Chair, Association of the Bar of the City of New York, Committee on Patents, 1983-86;
Member, Association of the Bar of the City of New York, present;
Co-chair, Center for Public Resources (CPR), Technology Committee, past;
Corporate Counsel Committee, American Arbitration Association (AAA), Patent Arbitration Rules Committee, past;
AAA China-U.S. Conciliations Advisory Committee, past;
Chair, New York Intellectual Property Law Association (NYIPLA), ADR Committee, past;
Director, New York Intellectual Property Law Association (NYIPLA), 1994-96;
Co-Chair, Licensing Executives Society, ADR Committee, 1996-99;
Federal Circuit Bar Association;
United States Council for International Business, Arbitration Committee, past;
International Chamber of Commerce, Intellectual Property Working Group, past;
SDNY Mediation Panel, 1992-99;
EDNY Arbitration, Mediation and ENE Panels, 1992-99.
An organiser and participant in ICC International Mediation Competition, Paris,2006.

AREAS OF SPECIALIZATION

Litigation, licensing, counseling and ADR in intellectual property disputes (patents, trade secrets, unfair competition and trademarks);

Many technologies for patents and trade secrets and unfair competition (e.g. chemical, bio-engineering, electrical, electronic, petrochemical, solid state physics, xerography, catalysts, amorphous metals, plastics, data processing, word processors, thin film heads, mechanical devices, television systems, pharmaceuticals, medical devices, etc.);
ADR in general.

EXPERIENCE IN INTELLECTUAL PROPERTY

From 1957 through 1998, as an associate and then a partner with Fish & Neave. Represented U.S., Canadian, Japanese and European clients in intellectual property matters, including litigation, licensing, remedies, general counseling and alternatives to litigation. Has served as an arbitrator in more than 150 ad hoc and institutional arbitrations, both binding and non-binding, in U.S., Canada and Europe, in intellectual property and general commercial matters, as sole arbitrator and as chair or member of three arbitrator panels. Has served as mediator in more than 150 U.S. and international intellectual property and commercial disputes. Parties and counsel from Asia, Latin America, North America and Europe.

MAJOR PUBLICATIONS

Author, "Resolving International Intellectual Property Disputes", ICC, 1999;
Editor, *AIPLA Guide to ADR for IP Disputes* (1995);
Author, articles and chapters in various publications, 1982 to date.

EXPERIENCE IN COURT LITIGATION

Appearances in major matters include trials and appeals in various U.S. District Courts, various U.S. Courts of Appeals, New York State Courts, U.S. International Trade Commission, U.S. Federal Trade Commission, and U.S. Patent and Trademark Office.

PROFESSIONAL TRAINING IN MEDIATION

One day Workshop: Eric Max 1992 (Association of the Bar of the City of NY, ADR Committee);
Two day Workshop: S.D.N.Y. 1992;
Five day Workshop: Harvard Law School 1993;
Five day Advanced Workshop: Harvard Law School, 1994;
Two day Workshops: WIPO 1995;
Three day Workshop: Pepperdine Law School 1996;
Numerous one and one-half day Workshops in negotiation: Harvard Law School, 1997-present;
One day workshops: AIPLA 1994, 1995, LES 1995 (all faculty member);

Two and three Credit courses in IP negotiation: Franklin Pierce Law Center, 1998 – present,
 Course leader;

Two day mediation workshop: International Wine Law Association (Course leader for
 WIPO), 1998;

Private two day workshops for law firm: 1998 and 1999.

Two day mediating across cultures workshop, CEDR, London, 2000.

Two day mediation workshop, INTA Toronto, Course leader, 2006;

Hands on experience.

PROFESSIONAL TRAINING IN ARBITRATION

Two day workshop: AAA, Asia Pacific Center, October 1994; international arbitration.

Two day fellowship program: Chartered Institute of Arbitrators, 1996.

One day workshop: AAA Workshops, 1997 – present.

Hands-on experience as counsel for parties and as sole arbitrator and chair or member of
 three-arbitrator AAA, ICC, Stockholm, UNCITRAL and ad hoc panels re patents, trade
 secrets, licensing issues, unfair competition, real estate limited partnership, distributorship,
 research and development, technology transfer, joint venture and other commercial issues in
 private arbitrations, both binding and non-binding.

Also, sole arbitrator and member of three-arbitrator panels in Eastern District of New York
 court-annexed non-binding arbitration program.

EXPERIENCE IN MEDIATION

Examples of more recent Mediations not summarised.

Mediator (ad hoc), patent infringement (imaging), three corporations, US\$ millions, two day
 mediation session and subsequent communication with mediator, 2001;

Mediator (ad hoc), patent infringement, unfair competition, etc, (treatment of food), two U.S.
 corporations plus related entities, US\$ millions, three day mediation session; 2001;

Mediator (ad hoc), patent infringement (medical instruments), two U.S. corporations, US\$
 millions, two day mediation session, 2001;

Special Master, patent infringement action, discovery issues, three U.S. corporations, 2000;

Mediator (ad hoc), employment dispute, individual and law firm, one day session and
 subsequent telephone conferences; 2000- 2001;

Mediator (ad hoc), patent infringement, U.S. corporations and two Italian corporations, two
 day mediation session, 2000;

Mediator (ad hoc), patent infringement litigation, U.S. corporation and Danish corporation,
 US\$ 20 million, one and one-half days of mediation, 2000;

Mediator (ad hoc), software dispute, U.S. entities, settled before first mediation session, 2000;

Mediator (DNH), intellectual property dispute, (software, etc), US\$ millions, two day mediation session, 2000;

Mediator (DNH), patent infringement, U.S. and Japanese corporations, US\$ millions, two day mediation session, 2000;

Mediator (DNH), patent infringement, U.S. and Canadian corporation, one party withdraw from mediation, 2000;

Mediator (DNH), patent infringement, two U.S. corporations, two day mediation session, 2000;

Mediator (ad hoc), patent infringement, U.S. and French corporations, two mediation sessions, 2000;

Mediator (AAA), trademark and related issues, U.S. corporations, settled on eve of first mediation session, 2000;

Mediator (ad hoc), intellectual property and related disputes, multiple U.S. and U.K. corporations, US\$ millions, two day mediation session, 1999-2000;

Mediator in AAA international mediation, royalties and damages due for breach of contract, > US\$10 million, U.S. corporation and Singapore corporation, one day mediation session, 1999;

Mediator in court-annexed mediation, intellectual property damages etc., two U.S. corporations, 1999;

Mediator in ad hoc mediation, past and future IP royalties, > US\$30 million, two U.S. corporations, 1999;

Mediator in ad hoc mediation, royalties and validity issues, > US\$5 million, U.S. corporation and Canadian corporation, 1999;

Mediator in ad hoc mediation, two U.S. corporations, 1999;

Mediator in ad hoc mediation, two U.S. corporations, past damages and future dispute resolution mechanism, > US\$10 million, 1999;

Mediator (ad hoc), intellectual property, royalty, U.S. corporation and U.S. university, 1999;

Mediator (WIPO Rules), patent and related claims and counterclaims, Japanese, Israeli, English and U.S. corporations, mediation, 1999 - 2000;

Mediator (ad hoc), patent, trade secret, non-compete dispute, two U.S. corporations plus individuals, one-day mediation sessions and negotiations and telephone conferences in ensuing two days, 1998;

Mediator (ad hoc), patent infringement regarding spectrophotometry claims and counterclaims, Swiss corporation and U.S. corporation, and subsidiaries, >\$7 million damages plus injunction, two-day mediation session, 1998;

Mediator (EDNY), trade dress, trade secret, defamation, breach of contract, etc. claims and counterclaims regarding institutional supplies, U.S. corporations and principals, > \$4 million damages plus injunctions, one-day mediation session, 1998;

Mediator (EDNY), patent, design, trade dress dispute, two U.S. corporations, 1998;

Mediator (SDNY), community dispute, 1998 -1999;

Mediator (SDNY), employer-employees dispute, numerous mediation sessions 1998 2000;

Mediator (EDNY), trade secret misappropriation, corporations and individuals, one-day mediation session, 1998;

Mediator (EDNY), trade dress and trademark infringement, \$10,000's each side, injunction, two U.S. corporations, one day mediation session, 1998;

Mediator (ad hoc), government insurer and U.S. corporations, dispute regarding political risk coverage, \$15 million, one mediation session and numerous telephone conferences, 1998;

Mediator (EDNY), copyright, trade mark disputes regarding jewelry, U.S. manufacturers and various distributors, \$10,000's plus injunction, two days of mediation, 1998;

Mediator in Southern District of New York in a mediation regarding employment discrimination (US law firm and former employee), 1997;

Mediator in Eastern District of New York in a mediation regarding legal malpractice (one Swiss company and one US law firm), 1996-97;

Mediator in an AAA mediation regarding trademark infringement and breach of contract (US entities), 1996-97;

Mediator in an ad hoc mediation regarding patent infringement and damages issues re trucking industry equipment (two US corporations), 1996;

Mediator in an AAA mediation regarding trademark, trade dress, copyright infringement and breach of contract (two corporations plus individual), 1996;

ENE neutral and mediator (EDNY ENE program) re unfair competition, patent infringement, trade dress infringement, etc. re medical device (two corporations plus a principal), 1995-1996;

Court ordered mediator in a mediation regarding patent, antitrust and unfair competition issues re auto tires (three corporations - two US, one German), 1995-96;

Court ordered mediator in a mediation regarding patent infringement and damages issues relating to electronic highway toll collecting equipment (two corporations), 1995-96;

Court appointed mediator in a mediation regarding software license (one corporation, one individual), 1995;

Court ordered mediator in a mediation regarding patent infringement (two corporations), 1995;

Court ordered mediator in a mediation regarding patent, trademark and copyright infringement, and unfair competition (two corporations), 1995;

Mediator (EDNY program) regarding breach of contract involving corporations and principals, (1994-95);

Independent opinion on merits regarding patent infringement relating to machine tool (two corporations), 1994-1995;

Mediator (SDNY program) in a mediation regarding personal injury (individual and railroad company), 1994;

Mediator (SDNY program) in a mediation regarding personal injury (individual and airline), 1994;

ENE neutral and mediator (EDNY ENE program) regarding unfair competition, copyright infringement, trademark infringement, fraud, etc. (individuals, an association, a publishing house), 1994;

Court ordered mediator in a mediation regarding patent infringement re electronic systems, 1993-1994;

Mediator (SDNY program) in a mediation regarding medical malpractice (patient and doctor), 1993;

Mediator (SDNY program) in a mediation regarding fraud, breach of fiduciary duty (individuals), 1992;

Mediator (SDNY program) in a mediation regarding personal injury (individual and railroad company), 1992;

Counselling clients regarding mediation;

Writing, speaking and considering issues of mediation.

EXPERIENCE IN ARBITRATION

Examples of more recent Arbitrations not summarised.

Party appointed arbitrator (ICC) breach of contract, U.S, and Japanese corporations, 2001;

AAA appointed arbitrator (three person panel), software contract, two U.S. corporations, 2001;

Sole arbitrator (ad hoc arbitration), scope of patent claims, U.S., Canadian and French corporations, 2001;

Chair, three person panel (AAA), software contract, 2001;

WIPO appointed arbitrator in more than twenty proceedings, domain name disputes, awards rendered, 2000 - 2001;

CPR appointed arbitrator, domain name dispute, award rendered, 2001;

Party appointed arbitrator (ICC), U.S. and Taiwanese corporations, indemnity and breach of contract;

Chair of ad hoc, 3 person panel, scope of patent claims, two U.S: corporations, 2000;

Party appointed arbitrator, (AAA), domain name dispute, U.S. and Canadian corporations, settled after preliminary conference hearing, 2000;

Party appointed arbitrator (AAA), U.S. corporations, settled on eve of preliminary hearing;

Party appointed arbitrator (ICC), IP dispute, German and U.S. corporations, settled on eve of evidentiary hearing 2000 - 2001;

Party appointed arbitrator (ICC), IP licensing disputes, US\$ millions, U.K. and U.S. corporations, settled after terms of reference agreed to, 1999-2000;

Sole arbitrator (AAA), software contract, US\$100's thousands, U.S. parties, settled before evidentiary hearing, 1999-2000;

Appointed arbitrator (AAA), (three person panel), breach of software contract, US\$100's thousands, U.S: parties, settled after scheduling order and before hearing on dispositive motion, 1999-2000;

Chair, three-arbitrator panel (CPR arbitration), rate question in telecommunications industry, U.S. corporations, 1999;

Chair, three-arbitrator panel (ICC arbitration), issue of liability for property damage and personal injury in joint venture facility, also, subrogation issue, ca. US\$80 million German and U.S. corporations, ten day evidentiary hearing, 1998-2000;

AAA appointed Chair, three-arbitrator panel, breach of assets purchase, manufacturing and development agreements, \$7 million plus specific performance, three U.S. corporations, settled on eve of preliminary hearing, 1998-99;

Chair, (ad hoc arbitration), in Canada under modified UNCITRAL Model Law, construction of agreements relating to intellectual property; specific performance, US\$ millions, one U.S. and one Canadian corporation, 1998-1999;

Party appointed arbitrator (ICC), settled, 1998;

AAA appointed arbitrator, law firm and ex-partner compensation dispute, > \$1 million, settled before first pre-hearing conference, 1998;

Chair, three member arbitration panel (AAA), breach of trademark license agreement, Japanese and U.S. parties, 1997;

Sole arbitrator (AAA), regarding breach of various agreements concerning development of semiconductor technology, licenses, assets purchase, two U.S. and one foreign corporation, 1995-96;

Sole arbitrator (AAA) regarding proprietary telecommunications technology (three corporations), 1995;

Party appointed arbitrator (ICC) regarding breach of various agreements concerning development of footwear technology, transfer of rights, two U.S. and one German corporation, including ad hoc mediation, 1995-97;

Party appointed arbitrator (Stockholm), regarding agreement for development of telecommunications technology, supply of equipment, U.S. and Russian entities, 1994;

Party appointed arbitrator (ICC) regarding breach of various agreements concerning development of pharmaceutical technology, transfer of rights, marketing, one U.S. and one French corporation, two interim awards, ad hoc mediation, consent final award, 1994-97;

Party appointed arbitrator in three person panel regarding joint development agreement (two US corporations), 1991;

Sole arbitrator (AAA/ad hoc) regarding patent infringement re pressure transducer (two US corporations), 1990-91;

Chair, three member arbitration panel (AAA) regarding real estate limited partnership (>\$200,000,000), *Lepercq v. Helmsley* (see e.g. 198 A.D.2d 147, 603 N.Y.S. 2d 322, NY Times 11/1/93, N.Y. Law Journal, 4/27/92); numerous awards, awaiting resolution of minor financial issues, 1990 et seq.;

Sole arbitrator in non-binding ad hoc arbitration re patent and trade secret issues 1985-86;

Sole arbitrator and member of panel in various EDNY arbitrations (commercial, medical

malpractice, personal injury);

Other non-binding arbitrations in EDNY program;

Counselling clients re arbitration;

Written, spoken and considered arbitration issues concerning intellectual property and related matters, in USA, Canada, Africa, Japan, South America, Germany, Switzerland and UK.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA	ca. 30	ca. 12	1	ca. 18	
	ICC	ca. 15	ca. 2		ca. 13	
	Stockholm Chamber of Commerce	1			1	
	Ad Hoc	ca. 15	ca. 8	ca. 2	ca. 8	
Number of cases: sub-total		ca. 60	ca. 22	ca. 2	ca. 40	
Domestic Arbitrations	U.S. District Court, Eastern District of New York	ca. 12	ca. 2	ca. 8	ca. 2	
	AAA	ca. 30	ca. 12	ca. 5	ca. 1	2
	Ad Hoc	ca. 30	ca. 15	ca. 5	ca. 10	
Number of cases: sub-total		ca 70	Ca. 29	ca. 18	ca. 26	2
TOTAL		ca 130	ca 50	ca. 20	ca. 66	2

* +20 WIPO Domain Name Arbitrations
+2 CPR Domain Name Arbitrations

MEDIATION EXPERIENCE**SUMMARY TABLE**

	Type		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations	WIPO	1	1	
	AAA	ca. 5	ca. 5	
	Ad Hoc	ca. 35	ca. 35	
	Others:			
Number of cases: sub-total		ca. 40	ca. 40	
Domestic Mediations	Ad Hoc	ca. 80	ca. 80	Numerous cases of counselling re mediation
	Court-annexed	ca. 40	Ca. 40	
Number of cases: sub-total		ca. 120	ca 120	
TOTAL		ca. 160	ca. 160	