

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Harrie R. SAMARAS  
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Date of Birth: October 5, 1954

Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LLM, Patent and Trade Regulation, The George Washington University National Law Center, Washington, DC, 1991;

JD, University of Baltimore School of Law, Baltimore, MD, 1984;

MS, Cell Physiology / Biochemistry, University of Maryland, College Park, MD, 1978; and

BS, Zoology / Chemistry, University of Maryland, College Park, MD, 1976.

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### LANGUAGES

English.

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August 22, 2011

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### PRESENT POSITION

Founded, ADR & Law Office of Harrie Samaras, 2009.

Serves as a full-time neutral primarily in domestic and international disputes involving intellectual property and business/technology issues; serves as a neutral in disputes involving employment issues and monetary and business disputes between and among investors, securities firms and individual registered representatives; serves as a Special Master in intellectual property disputes; and counsels clients regarding ADR issues.

Co-Founder, Advanced Business Law Resources, 2010

Provides training and consulting services to lawyers, business managers and executives primarily related to preventing, reducing and resolving conflicts.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Shareholder, RatnerPrestia, Valley Forge, PA, 2006 - 2009;

Of Counsel, RatnerPrestia, Valley Forge, PA, 2003 - 2006.

Headed firm's Litigation and Dispute Resolution Department. Practice included: representing clients in all phases of litigation (through appeals) in federal courts and in alternative dispute resolution proceedings; serving as a neutral (e.g., arbitrator and mediator); counseling clients regarding ADR options; and providing training in dispute resolution.

Sabbatical, West Chester, PA, 2002;

Obtained mediation training and served as arbitrator for WIPO.

Vice President Intellectual Property, Legal, Elan Drug Delivery, Inc., King of Prussia, PA, 2000 – 2002;

Managed legal department of attorneys based in the United States and Dublin, Ireland. Responsible for all facets of IP practice of Drug Delivery business unit having research and development sites in the United States, Ireland, Switzerland, Israel, and England.

Director Intellectual Property Litigation (1998-2000), Associate Litigation Counsel (1997-1998), MCI WORLDCOM, INC., Washington, D.C., 1997 – 2000; Law & Public Policy:

Developed and managed a legal department to handle IP litigation for the company on a worldwide basis. Reported directly to MCI WorldCom, Inc.'s Chief Litigation Counsel.

Litigation and Pre-litigation - Responsible for: IP and Internet-related litigation and alternate dispute resolution proceedings; developing case strategies; and negotiating settlements. Advised engineering, business, and attorney clients about IP and contract matters, performed infringement and invalidity investigations, obtained opinions of counsel, handled cease and desist letters, and negotiated portions of licenses.

Administration - Prepared reports on case status, reserves, and settlements; prepared budget for IP Litigation Group; managed hiring of attorneys for Litigation Group; and worked on Litigation Group policies.

Senior Associate, Lowe, Price, Leblanc & Becker, Alexandria, VA, 1994-97;

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Handled all aspects of litigation and pre-litigation matters, negotiated settlements, prepared opinions of counsel in all areas of IP, prepared appellate briefs, handled contract disputes, counseled clients about ownership and protection of IP rights and contract issues.

Associate, Knobbe, Martens, Olson & Bear, Newport Beach, CA, 1990-94;

Assisted in all aspects of IP litigation and appellate practice. Prepared and prosecuted trademark applications, prepared opinion letters, and counseled clients about ownership and protection of IP rights.

U.S. Court Of Appeals For The Federal Circuit, Washington, DC, 1985-90;

Law Clerk to the Honorable Helen W. Nies, Chief Judge, 1988-90;

Reviewed briefs, performed technical and legal research, prepared bench memoranda, attended oral arguments, drafted opinions and drafted speeches.

Deputy Senior Technical Assistant, Office of the Senior Technical Assistant. 1985-88;

Provided technical assistance to judges, drafted opinions, reviewed panel-approved opinions for consistency with precedent, handled motions, assisted in redrafting the Local Rules and Attorney Disciplinary Rules, managed EEOC compliance, assisted Clerk of Court in case assignments, and drafted speeches for Chief Judge.

U.S. Patent And Trademark Office, Arlington, VA, 1983-85;

Patent Examiner, Biomedical Arts (Mech./Chem.)

Examined patent applications in the biomedical and drug delivery arts.

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### **AREAS OF SPECIALIZATION**

Intellectual Property and alternative dispute resolution in commercial cases.

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### **MEMBERSHIP IN PROFESSIONAL BODIES**

U.S. Supreme Court, 2008;

Pennsylvania State Bar, 2003;

U.S. District Court for the Eastern District of Pennsylvania, 2003;

District of Columbia Bar, 1995 (inactive in 2010);

California State Bar, 1991 (inactive in 2011);

U.S. District Court for the Central District of California, 1991;

U.S. District Court for the Southern District of California, 1991;

Maryland State Bar, 1985;

U.S. Court of Appeals for the Federal Circuit, 1985.

American Intellectual Property Law Association:

- Member, Special Legislation Committee, 2009 to Present;
- Chair (Current), Vice Chair (2008 to 2010), ADR Committee;
- Member, Public Appointments Committee, 2008 to Present;
- Chair, Committee on Inventor Issues, 2006 to 2007;
- Fellow, 2004 to Present;
- Amicus Committee, 2004 to 2006;
- Chair, Committee on IP Law Associations, 2001-2004;

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- Treasurer, 2000-02;
  - Chair, Finance Committee, 2000-02;
  - Board of Directors, 1999-02;
  - Member, Finance Committee, 1999-00;
  - Member, Nominations Committee, 1997-98 and 2005-2005;
  - Member, Public Appointments Committee, 1998-99;
  - Chair, Communications Law Committee, 1998-99;
  - Chair, Professional Responsibility Committee, 1997-98; and
  - Chair, Membership Committee, 1995-97.

American Bar Association:

- Member, Content Advisory Board, current;
- Chair, Division VI (Litigation, Alternative Dispute Resolution and Related Issues), IPL Section, ABA, 2010 to 2011;
- Vice-Chair, Division VI (Litigation, Alternative Dispute Resolution and Related Issues), IPL Section, ABA, 2009 to 2010;
- Member, Section of Dispute Resolution, Section Advisory Committee, 2008 to Present;
- Member, Dispute Resolution Section Council, 2009 to Present;
- Chair, ADR Committee, IPL Section, 2008 to 2009; and
- Co-chair, ADR Committee, IPL Section, 2007 to 2008.

CPR International Commission on Patent Disputes:

- Chair, Subcommittee on Neutrals;
- Member, Judicial Subcommittee; and
- Member, Patent Arbitration Subcommittee.
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AAA's National Patent Advisory Council;

Center for Resolution's (Media, PA) Mediation and Advisory Committee.

Federal Circuit Bar Association:

- Chair, Dispute Resolution Committee 2006 to 2008; and
- Vice Chair, Dispute Resolution Committee 2004 to 2006.

The American Intellectual Property Law Education Foundation

- Trustee, 2003 to 2008
  - Treasurer, 2004 to 2008
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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Over twenty-five years experience in intellectual property law from positions held at (1) the U.S. Patent and Trademark Office (Patent Examiner), (2) the U.S. Court of Appeals for the Federal Circuit (staff attorney, law clerk), (3) law firms (IP litigation, counseling), and (4) the law departments of two corporations (senior counsel/executive positions, managing intellectual property/litigation).

Experience in Alternate Dispute Resolution (intellectual property disputes): representing clients in ADR processes, serving as neutral, and counseling clients in using ADR.

Built and managed in-house intellectual property practices.

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## EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Represented clients (in-house and as outside counsel) in domain name disputes (ICANN, federal district courts), serving as an arbitrator for WIPO in domain name disputes and serving on WIPO's Panel of .mobi Premium Name Experts.

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## MAJOR PUBLICATIONS

### Alternative Dispute Resolution and Related Topics: Selected Publications

Paul Prestia and Harrie Samaras, *Beyond Decision Trees: Determining Aggregate Probabilities of Time, Cost, and Outcomes*, Vol. 28, No. 4, ALTERNATIVES, April 2010.

Harrie Samaras, *Has the Supreme Court Made What's Old New Again in Hall Street v. Mattel?* The Legal Intelligencer, Thursday, May 29, 2008.

Harrie Samaras, *The Confidential Mediation Submission - An Opportunity That Should Not Be Missed*, Vol. 17, No. 3, INSIGHT Newsletter, Winter 2007.

Harrie Samaras, *Adding a "Peacemaker" To Your Litigation Team*, Vol. 17, No. 2, INSIGHT Newsletter, Summer 2007.

Harrie Samaras, *The Minutrial - A Sizeable Option for Resolving Disputes*, Vol. 17, No. 1, INSIGHT Newsletter, Spring 2007.

Harrie Samaras, *The Mediation Session*, Vol. 16, No. 2, INSIGHT Newsletter, Winter 2006.

Harrie Samaras, *Mediation at the Appellate Stage . . . An Appealing Option*, Vol. 16, No. 1, INSIGHT Newsletter, Fall 2006.

Harrie Samaras, *You've Got Choices*, Vol. 15, No. 2, INSIGHT Newsletter, Fall 2005.

*An Interview with Harrie Samaras*, Vol. 23, No. 3, IPL (ABA) Newsletter, Spring 2005.

Harrie Samaras, *How Do You Want Your ADR Administered?* Vol. 15, No. 1, INSIGHT Newsletter, Spring 2005.

Harrie Samaras, *The ABC's of Arbitration Provisions*, Vol. 14, No. 2, INSIGHT Newsletter, Fall 2004.

Harrie Samaras, *Choosing a Mediator*, Vol. 13, No. 2, INSIGHT Newsletter, Fall 2003.

Harrie Samaras, *Choosing Counsel for Mediation*, Vol. 14, No. 1, INSIGHT Newsletter, Spring 2004.

### Representative cases.

*Markzware v. Enfoc Software Inc., et al.*, (C.D. Cal. 2007). Pretrial/patent infringement dispute.

*Bradford White Corp. v. Water, Inc.*, (C.D. Cal. 2006). Pretrial/trademark infringement dispute.

*Troy Coppola v. Luckyvitamin.com et al.*, (C.D. Cal. 2006). Pretrial/copyright and trademark infringement.

*Unitherm Food Systems, Inc. v. Perdue Farms Incorporated*, (N.D. Oklahoma 2005). Pretrial/food processing patent.

*Project Management Institute, Inc. v. Brent Knapp*, (District, Arizona 2005). Pretrial/copyright and trademark issues involving publication about project management.

*Invitrogen Corp. v. Clontech Labs., Inc.*, 429 F.3d 1052 (Fed. Cir. 2005). Appeal in patent case.

*Clontech Labs., Inc. v. Invitrogen Corp.*, 406 F.3d 1347 (Fed. Cir. 2005). Appeal in patent case.

*Ronald A. Katz Technology Licensing, L.P. and MCI Telecommunications Corporation v. AT&T Corp., et al.*, (E.D. Pa. 2000). Pretrial/call processing technology.

*FTP Software, Inc. v. MCI WorldCom, Inc.*, (N.D. Cal. 2000). Pretrial/trademark.

*MCI Telecommunications Corporation v. Sandata, Inc.*, (E.D.N.Y. 2000). Pretrial/time and attendance technology.

*Buckley v. Airshield Corp.*, 116 F. Supp. 2d 658 (S.D. Md. 2000). *Buckley v. Airshield Corp.*, 908 F. Supp. 299 (S.D. Md. 1995). Pretrial/truck ferring.

*Brown & Williamson Tobacco Corp. v. Philip Morris, Inc.*, No. 3:89CV-0470-S, 1999 U.S. Dist. LEXIS 22252 (WD Ky. April 1, 1999). Trial/skinny cigarettes.

*Virginia Panel Corp. v. MAC Panel Co.*, 133 F.3d 860 (Fed. Cir. 1998). Appeal/interface devices used with automatic test equipment.

*Health Communications, Inc. v. N.R. Inc., dba New York Bartender's Association*, (S.D.N.Y. 1997). Pretrial/trademark, false and misleading representation and dilution.

*Gaelic Investments, Inc. v. Farmland Indus., Inc.*, (M.D. Fla. 1995). Pretrial/Insecticidal paint

*Lockmasters, Inc. and J. Clayton Miller v. Mas-Hamilton Group and J.D. Hamilton*, (E.D. Ky. 1994). Trial/Dead bolt technology.

*World Cup USA 1994, Inc. v. Durus Indus. et al.*, (N.D. Ga. 1994). Pretrial/copyright, trademark.

*Pillco Limited Partnership v. Advanced Interventional Systems, Inc.*, (E.D. Va. 1992). Trial/excimer laser technology.

*Hilton Davis Chemical, Co. v. Warner-Jenkinson Company, Inc.*, 62 F.3d 1512 (Fed. Cir. 1995). Appeal *en banc*/Amicus brief relating to doctrine of equivalence.

*Rite-Hite Corporation v. Kelley Company, Inc.*, 56 F.3d (Fed. Cir. 1995). Appeal *en banc*/Amicus brief relating to lost profits damages.

*U.S. Philips Corp. v. Sears Roebuck & Co.*, 55 F.3d 592 (Fed. Cir. 1995). Interlocutory Appeal/Amicus brief relating to estoppel issues.

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### EXPERIENCE IN COURT LITIGATION

Represented clients for over 25 years in intellectual property litigation before U.S. federal courts at the trial and appellate levels. See representative cases listed above.

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### PROFESSIONAL TRAINING IN MEDIATION

American Arbitration Association: (8 hours) Advanced Mediator Training, September 13, 2010;

Certified Mediator, 2009, International Mediation Institute, The Hague.

Maryland Program for Mediator Excellence, August 2009. Membership requires ongoing skills and ethics training. (See website for listing of courses <http://harriesamaras.com>).

International Trademark Association: (8 hours) Advanced Mediation Training Course, April 28, 2007;

Harvard Law School Program of Instruction for Lawyers: (40 hours) Mediation Workshop, 2002;

Northern Virginia Mediation Service

- 20 Hours of Training in Professional Mediation Skills and Process, 2002;
- 16 Hours of Federal & Commercial Mediation Role-Play, 2002.

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### PROFESSIONAL TRAINING IN ARBITRATION

FINRA

- Live Video Basic Arbitrator Training, May 27, 2010
- Basic Arbitrator Training Part I, May 2, 2010
- Basic Arbitrator Training Part II: Expungement Training, May 5, 2010

Chartered Institute of Arbitrators

- May 2009, "Member" (MCI Arb)
- April 2010 "Fellow" (FCI Arb).

Chartered Institute of Arbitrators, International Commercial Arbitration Training Program, October 10 and 11, 2009.

ICC Arbitral Awards: Defining Features, September 14, 2009

Juris Conferences

- Leading Arbitrators' Symposium on the Conduct of International Arbitration, September 2006

American Arbitration Association

- Dealing with Delay Tactics in Arbitration, 2005
- Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2005
- Advanced Case Management Issues, 2004
- Best Practices in Complex Case Arbitration, 2003

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### EXPERIENCE IN ARBITRATION

Serves as an arbitrator (sole and three-member panel) in domestic and international IP and business/technology disputes. Serves as an arbitrator on an ad hoc basis and is on the rosters of: WIPO's Panel of Neutrals and Domain Name Disputes; WIPO's Panel of ".mobi Premium Name Experts;" CPR International Institute for Conflict Prevention and Resolution; American Arbitration Association; United States Council for International Business; National Arbitration and Mediation; U.S. District Court for the E.D. of Pennsylvania; and Chester County Courthouse, Arbitration Panel.

Representative cases: Breach of patent cross-license (human papillomavirus products) and tortious interference claims (three-arbitrator panel); Breach of license (research, development, practice and commercialization) regarding patents and technical information covering diagnostic tests (Chair, three-arbitrator panel); Breach of contract for clinical trial services (Sole arbitrator); Wrongful termination (Sole arbitrator); Breach of contract cases for business services (Sole arbitrator); Domain Name (70 cases – 7 Presiding Panelist).

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ARBITRATION EXPERIENCE

**SUMMARY TABLE**

Type	Administering Institution		Role			
		Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	
		1			1	
		1	1			

	Number of cases: sub- total	2	1		1	
D o m e s t i c A r b i t r a t i o n s		7 0	7	6 1	2	
		5		5		

		1 6			1 6	
Number of cases: sub- total		9 1	7	6 6	1 8	
<b>TOTAL</b>		<b>9 3</b>	<b>8</b>	<b>6 6</b>	<b>1 9</b>	

**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Ty	Administering Institution	Role
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pe	N a m e	N u m b e r o f M e d i a t i o n s	Mediator	Counsel
	I C D R	1	1	
		0		
	A d h o c	2	2	
	Number of cases: sub-total	3	3	0
D o m e	AA A	1	1	0
	CP R	3	3	

st ic M e d i a t i o n s ( E s t i m a t e s )				
	Co urt- an ne xe d	7	7	
	Ad Ho c	3	3	5
Number of cases: sub-total	1 4	14	5	
<b>TOTAL</b>	<b>1 7</b>	<b>17</b>	<b>5</b>	