

Neil Arthur SMITH
Ropers Majeski Kohn Bentley
50 West San Fernando Street
Suite 1400
San José, CA 95113
United States of America



Telephone: +1 408 918 4523

Fax: +1 408 918 4501
E-mail: nsmith@rmkb.com

Date of Birth: October 31, 1943
Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

L.L.M., Patent and Trade Regulation Law, The National Law Center, George Washington University, 1973;
J.D., Columbia Law School, Columbia University, 1969;
B.S., Mechanical Engineering, Columbia School of Engineering and Applied Science, Columbia University, 1966;
B.A., Physical Sciences, Columbia College, Columbia University, 1965.

Admitted to U.S. Patent and Trademark Office.

Accolades /Awards

Patent and Trademark Office Society: Joseph Rossman Award;
Named in: *The Best Lawyers In America*; *Guide to the World's Leading Experts in Trademark Law*;
Guide to World's Leading Experts in Patent Law; *Who's Who of Internet and Electronic
Commerce Lawyers*;
Named "Litigator of the Year 1999" by *Managing Intellectual Property*.

LANGUAGES

English.

November 12, 2010

PRESENT POSITION

Partner, Ropers Majeski Kohn Bentley, San José.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Sheppard, Mullin, Richter & Hampton LLP, San Francisco Office;
Limbach & Limbach LLP, San Francisco, CA, Senior Partner, specializing in trademark, unfair competition, patent and copyright matters;
Law Clerk/Technical Advisor to Judge Giles S. Rich, Associate Judge, United States Court of Customs and Patent Appeals in Washington, D.C. (Predecessor to the Court of Appeals for the Federal Circuit), 1972-74;
Patent Attorney, United States Atomic Energy Commission, Washington, D.C., 1969-72.

MEMBERSHIP AND OFFICES IN PROFESSIONAL BODIES

President, San Francisco Patent and Trademark Law Association;
American Intellectual Property Law Association (AIPLA):

- Board Member;
- Trademark and Trade Name Committee Chairman;
- Licensing Committee Chairman;

American Bar Association (ABA):

- Patent, Trademark and Copyright Section (PTC);
- Chairman Trademark and Trade Name, and Trade Secret Committee;
- Trademark Office Affairs Committees;
- PTC Section delegate to RICO Committee, 1986-90;
- Chair Division II – Trademarks;

Member, Advisory Board of the Patent, Trademark and Copyright Journal of the Bureau of National Affairs;

State Bar of California:

- Executive Committee Member, Patent and Trademark Section;
- Delegate to State Bar Convention;

Former member, U.S. Department of Commerce Public Advisory Committee on Trademark Office Affairs;

Trustee, United States Copyright Society.

AREAS OF SPECIALIZATION

Trademarks, patents, copyrights and unfair competition.
Internet, gray market and anti-counterfeiting subjects, including ex parte restraining orders and asset freezes.

EXPERIENCE IN INTELLECTUAL PROPERTY

Practiced intellectual property law for 30 years;
Advised parties and litigated intellectual property, trademark, patent and copyright cases.

MAJOR PUBLICATIONS

Author of numerous articles on trademark, copyright and patent law, internet law issues, anticounterfeiting remedies and gray market subjects, including:

"Fraud Upon the Patent Office as a Violation of the Sherman Antitrust Law," *53 Journal of the Patent Office Society* 337, 423;

"The Collateral Estoppel Effect of a Prior Judgment of Patent Invalidity: Blonder-Tongue Revisited," *55 Journal of the Patent Office Society* 285, 363, 436, 1973;

"Obtaining Early and Effective Relief Against Trademark Counterfeiting," 10 *COMM/ENT, Hastings College of the Law*, No. 4, p. 1049, Summer 1988;

"Discovery in Trademark Cases in the Courts and Trademark Trial and Appeal Board", *Intellectual Property Counseling and Litigation*, Chapter 71,

"The Trademark Law of the United States", *Trademarks, Creation Protection and Valuation*, Chapter 10;

Ninth Circuit Report, (Quarterly Column) *New Matter*, Publication of the State Bar of California Intellectual Property Section;

Contributing Author to book, *Risky Business: Protect Your Business from Being Stalked, Conned or Blackmailed on the Web* by Daniel S. Janal, John Wiley & Sons, Inc., 1998.

Speaker on several patent, trademark and unfair competition subjects to various bar associations and patent law associations, including the San Francisco Patent Law Association, the San Francisco Barristers Club, the Engineering and Product Liability section of the San Francisco Bar Association, the California, Colorado, Washington State, Ohio, Oregon and Utah State Bar;

Intellectual Property Associations in Los Angeles and San Diego;

American Patent Institute, Patent Bar Review course;

Practicing Law Institute (PLI), American Bar Association Litigation Section Computer Law Committee, United States Trademark Association, American Intellectual Property Law Association, International Trademark Association, Computer Law Association, Stanford Law School, Hastings Law School, Santa Clara Law School;

Testified on the Draft Report of the United States Information Infrastructure Task Force, and the World Intellectual Property Organization;

U.S. Reporter for ALAI on the subject of technical devices for the protection of copyrights in digital works;

Speaker on Digital Technology and The Internet conferences, American Conference Institute.

EXPERIENCE IN COURT LITIGATION

Very experienced in court litigation. Tried several important intellectual property cases in U.S. District Courts, argued cases before several U.S. Courts of Appeal, including the Ninth Circuit and the Federal Circuit Courts of Appeals.

Named U.S. Trademark Litigator of the Year, 1999, by *Managing Intellectual Property* magazine.

PROFESSIONAL TRAINING IN MEDIATION

Selected by the United States District Court for the Northern District of California to participate in its Mediation Training Program as part of its Dispute Resolution programs. In addition to their one-day training program for Early Neutral Evaluators given by the United States District Court, participated in a two day training program directed toward mediation. Has been a member of that panel and is participating in mediation for the United States District Court for the Northern District of California.

Active in training others in the use of Early Neutral Evaluation as a means of Alternative Dispute Resolution. Presented a program for the American Intellectual Property Law Association involving a model Early Neutral Evaluation session at its mid-winter educational meeting. In addition, has run a training program and a mock Early Neutral Evaluation program for the San Francisco Patent and Trademark Law Association, and the Annual Meeting for the State Bar of California Intellectual Property Section.

EXPERIENCE IN MEDIATION

Participated as counsel for several parties in mediation and acted as a mediator in several mediations, several of which have resulted in satisfactory settlement of cases.

PROFESSIONAL TRAINING IN ARBITRATION

Trained by the U.S. District Court for the Northern District of California in its Alternative Dispute Resolution programs. Participated in several private ADR training programs, and have trained others in arbitration and settlement methods and procedures.

EXPERIENCE IN ARBITRATION

Participated widely in Alternative Dispute Resolution procedures both before and during pending lawsuits have been filed in the United States District Courts, both as a “neutral” mediator and arbitrator, and an attorney for a party participating in such proceedings. In addition to pre-trial negotiations to settle cases, some of which have been before a neutral or arbitrator, was selected by the United States District Court for the Northern District of California to be an attorney evaluator in its Early Neutral Evaluation program.

Acted as an arbitrator and mediator in several cases, many of which settled, involving several intellectual property issues, including: domain names, copyrights, trademarks, patents, and unfair competition.

Also participated as an attorney in many of these Early Neutral Evaluations sessions, in both the Northern District of California and the Southern District of California. Has also been involved in several settlement conferences with judges and magistrates, as well as special masters ordered by the court to participate in a settlement.

ARBITRATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					several
	ICC					
	LCIA					
	Ad Hoc					several
	Others:	Several				several
Number of cases: sub-total						
Domestic Arbitrations						
			several			
				several		
Number of cases: sub-total						
TOTAL						

MEDIATION EXPERIENCE

SUMMARY TABLE

Type	Type		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				several
			several	
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations				
			several	several
Number of cases: sub-total				
TOTAL				