

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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Date of Birth: September 19, 1959  
Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., (*summa cum laude*), University of Illinois, Urbana, Illinois, 1992;  
M.S., Journalism, University of Illinois, Urbana, Illinois, 1987;  
B.A., Communications, Antioch College, Yellow Springs, Ohio, 1981;  
Eberhard-Karl Universität Tübingen, West Germany, June 1979-80.

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### LANGUAGES

English, German

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April 30, 2012

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### PRESENT POSITION

In-House Counsel, GE – Aviation.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Wyatt, Tarrant & Combs, LLP, Kentucky, Litigator and counselor for one of Kentucky's largest law firms. Member of firm's intellectual property and commercial litigation practice groups. Editor of firm's "Intellectual Property Report." Practice focuses on trademark, trade secrets and copyright licensing, protection and litigation, Internet domain name disputes, as well as general commercial litigation. Responsible for maintaining worldwide trademark portfolio of several hundred trademarks.

Adjunct Professor, University of Louisville, KY, designed and taught course in "Mass Communication Law" to undergraduates, 1995-99.

Law Clerk, Judge Harlington Wood, Jr., United States Court of Appeals for the Seventh Circuit, Springfield, IL; Reviewed briefs, researched law, and in compliance with panel's decision drafted opinions for Seventh, Ninth and Tenth Circuits, 1992-93;

Reporter/Producer, WILL AM-580, University of Illinois, Urbana, IL.. General assignment reporting, producing and anchoring for this NPR affiliate, 1987-92;

News Editor, Tri-County Press, Polo, IL.. Reporting, photography, editing and layout for this weekly newspaper. Correspondent for daily newspaper, the Dixon Telegraph, 1984-86;

Assistant Editor, Scholastic, Inc., New York, NY.. Edited manuscripts, wrote cover copy, and screened submissions from authors and agents, for this publisher of juvenile literature, 1983-84;

Projects Manager, Bantam Books, Inc., New York, NY.. Wrote and designed promotional materials, including catalogs, brochures, posters, and newsletters, 1981-83.

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### AREAS OF SPECIALIZATION

Trademark, Copyright, Trade Secret, Domain Names, Commercial litigation.

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### MEMBERSHIP IN PROFESSIONAL BODIES

Barrister, American Inns of Court, Louisville, KY, Since September 2000;  
Member, Louisville Bar Association Intellectual Property Section.

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### EXPERIENCE IN INTELLECTUAL PROPERTY

- *Collector's Edge vs. Edge Interactive*, Opposition no. 107,996 (USPTO TTAB 2/02). Represented trademark owner before the United States Trademark Trial and Appeal Board and prevented registration of confusingly similar trademark;
- *In re "Junior Jockey Club"*, No. 75/409875 (USPTO TTAB). In ex parte appeal, persuaded the United States Trademark Trial and Appeal Board to reverse examining attorney's decision and to register trademark;

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- *Royal Appliance Mfg. Co. v. AAF-McQuay Inc.*, Cancellation No. 29,230 (USPTO TTAB). Successfully represented AAF-McQuay Inc. in defeating Plaintiff's attempt to cancel the registration of AAF's DIRT DEMON trademark;
  - *Churchill Downs Incorporated vs. Doug Dearen and Thoroughbred Traditions Inc.*, No. 3:02-CV-176-H (W.D. Ky.). Currently representing Plaintiff Churchill Downs in trademark infringement, copyright infringement and trade secrets litigation;
    - *Metal Sales Manufacturing Corporation vs. Menard, Inc.*, No. NA 02-51-C B/H (S.D. Ind.). Currently representing Plaintiff Metal Sales Manufacturing in trademark and copyright infringement litigation;
  - *Time Warner Trade Publishing, Inc. v. Midwest Book Recycling, Inc.*, No. 1:99-CV-173M (W.D. Ky 2000). Represented Time Warner in copyright infringement action against multiple defendants who misappropriated books destined for recycling. Obtained temporary restraining order against all defendants and large settlement from several defendants;
  - *Lambing v. Hallmark Cards*, 49 U.S.P.Q.2d 1158 (6<sup>th</sup> Cir. 1998). Represented Hallmark in copyright infringement claim. Won summary judgment for Hallmark; judgment affirmed on appeal.
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#### EXPERIENCE WITH RESPECT TO DOMAIN NAMES

*Ducks Unlimited, Inc. v. Christian Francoeur*, WIPO Case No. D2002-0227 (May 15, 2002). Successfully represented Ducks Unlimited, which sought to stop cybersquatter from using its trademark as a domain name address for a pornographic website;

Successfully represented Ducks Unlimited, which sought to stop cybersquatter from using its trademark as a domain name address for a pornographic website;

"Resolving Domain Name Disputes", Paper and presentation to the Louisville Bar Association, Louisville, Kentucky, May 16, 2001;

"Dotcom Litigation", Paper and presentation to the Third Annual Computer & Technology Law Institute, Lexington, Kentucky, Sponsored by the University of Kentucky College of Law, March 16, 2001.

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#### MAJOR PUBLICATIONS

"A Reporter's Guide to the Kentucky Open Meetings and Open Record Acts", Reporter's Committee for Freedom of the Press, 1997;

"Movies and Product Placement: Is Hollywood Turning Films into Commercial Speech?", University of Illinois Law Review 1992.

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#### EXPERIENCE IN COURT LITIGATION

*Collins v. Hudson*, 48 S.W.3d 1 (Ky. 2001). Discovered that witness protection act was miscodified and that act as originally drafted precluded defendant's liability. On discretionary review by the Kentucky Supreme Court, obtained reversal of decision permitting plaintiff to prosecute claim against police for failure to protect confidential informant.

*Yanero v. Davis*, 65 S.W.3d 510 (Ky. 2001). Argued and briefed case to Kentucky Supreme Court regarding applicability of sovereign immunity to school boards and individual state employees.

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*Bender's, Inc. v. Walker*, No. 99-5164, 2001 WL 45116 (6<sup>th</sup> Cir. 2001). Represented City of Louisville (first chair) in civil rights action alleging Fourth Amendment violations and pendent state claim of false imprisonment and outrage. Obtained directed verdict for the City which was affirmed on appeal.

*BGM Equipment Co. v. Reliance Electric Co., Inc.*, No. 3:97-CV-805C (W.D. Ky. 1998). Represented Reliance (first chair) in breach of contract and unjust enrichment dispute. Obtained favorable settlement for Reliance on its counterclaim after delivering opening argument to jury.

*Royles v. City of Louisville*, No. 97-CA-001145-MR, Ky. Ct. App. 1998. Represented City of Louisville (second chair) in negligence action involving police pursuit. Obtained directed verdict for client; judgment affirmed on appeal.

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### **PROFESSIONAL TRAINING IN MEDIATION**

Just Solutions Mediation Training Seminar, Louisville, Kentucky Fall, 1994.

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### **EXPERIENCE IN MEDIATION**

Has participated in numerous mediations concerning trademark infringement disputes, commercial litigation, civil rights claims, and breach of contract disputes.

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**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad hoc			
Number of cases: sub-total				
Domestic Mediations (Estimates)	AAA			
	Various individuals	15		Counsel
	Court-annexed			
	Ad Hoc			
Number of cases: sub-total				
<b>TOTAL</b>		<b>15</b>		