

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

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Date of Birth: November 19, 1952

Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., (*cum laude*), University of Houston Law Center, Houston, Texas, 1980;

B.A., (Government and History), University of Texas, Austin, Texas, 1976.

Admitted to the Bar:

The State of Texas;

The United States District Courts for the Northern, Western, and Southern Districts of Texas;

The United States Court of Appeals for the Fifth Circuit.

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### LANGUAGES

English.

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May 3, 2012

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### PRESENT POSITION

Attorney, Mediator, San Antonio, Texas, since 2001.

Law Practice: Intellectual property, commercial and consumer litigation. Advise business clients regarding general intellectual property rights, principally involving trademarks, copyright, domain names, e-commerce and Internet law. Litigation cases include patent infringement, trademark and trade dress infringement, copyright infringement, contract and licensing disputes, trade secrets, cross-border trade disputes, intellectual property professional liability, and consumer protection. Consultant to law firms in U.S. and U.K. regarding intellectual property litigation, maritime matters and insurance disputes;

Mediation and Arbitration Practice: General mediation practice involving court annexed cases. Mediation experience includes trademark, trade dress and copyright disputes, licensing, trade secrets and unfair competition, commercial disputes, and other general matters. Member of various professional mediator organizations. Past Chairman of Association of Attorney Mediators (AAM) Leadership Committee. Volunteer mediation services to the Bexar County Dispute Resolution Center and other community organizations. Member, The Chartered Institute of Arbitrators (MCI Arb).

Adjunct professor of law, St. Mary's University School of Law, San Antonio, Texas, since 2001. Teach LL.M level courses in international intellectual property and international business transactions. Both courses include topic of resolution of international intellectual property and international trade dispute resolution.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Judicial Law Clerk, United States District Court for the Southern District of Texas, Galveston, Texas, 1981-82.

Senior Partner, Royston, Rayzor, Vickery & Williams, LLP, Houston and San Antonio, Texas, 1988 – 01. Associate: 1982 –87.

Areas of Practice: Admiralty and maritime litigation, insurance, business and commercial litigation, tort law, toxic tort and environmental litigation, bankruptcy, medical malpractice, and intellectual property litigation;

Firm Management Activities: Managing Partner, San Antonio office, 2000 – 01.

Managed intellectual property practice including patent and trademark prosecution, licensing of intellectual property rights, patent, trademark, copyright, trade secret and unfair competition litigation, commercial litigation and related business transactions;

Chairperson, Royston Rayzor Vickery & Williams Employment Committee, 1997-00. Developed Firm's Associate Training and Development Program

Adjunct Professor of Law, University of Houston Law School: 1998-00.

Courses taught included Maritime Law, Conflicts of Law, and Legal Research and Writing.

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### MEMBERSHIP IN PROFESSIONAL BODIES

Member:

- State Bar of Texas (including Intellectual Property, Alternative Dispute Resolution and International Law Sections);
- College of the State Bar of Texas;
- Federal Bar Association;
- San Antonio Federal Bar Association;
- San Antonio Bar Association;
- American Intellectual Property Law Association;
- International Bar Association;
- Maritime Law Association of the United States;

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Bar Association of the Fifth Federal Circuit;  
 Association of Attorney Mediators;  
 Texas Association of Mediators;  
 Alamo Area Mediators Association;  
 AIPLA Arbitration and Mediation Registry.  
 The Chartered Institute of Arbitrators (MCIArb)

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### **AREAS OF SPECIALIZATION**

Intellectual Property – Patents – Infringement – Litigation;  
 Intellectual Property – Trademarks and Trade Dress – Infringement – Litigation;  
 Intellectual Property – Copyright – Infringement – Litigation;  
 Intellectual Property – Trademarks, Copyright and Domain Names – Client Counseling;  
 Intellectual Property – Trade secrets and Unfair Competition – Litigation;  
 Intellectual Property – International Treaties and Conventions;  
 Commercial Law – General Litigation;  
 Commercial Law – Documentary Sales – Maritime and International – Transactional and Litigation;  
 Commercial Law – Maritime – Negotiation and Drafting of charter parties, master service agreements, contracts for building and sale of vessels, licensing agreements, etc – Transactional;  
 Admiralty & Maritime Law – Collisions, cargo claims, charter party disputes, commercial disputes and personal injury – Litigation;  
 Insurance Law – Construction of Insurance Policies and Coverage Issues;  
 Insurance Law – “Bad Faith” litigation;  
 Toxic Tort and Environmental Law – litigation under CERCLA and RCRA involving the EPA and other state and federal regulatory agencies (USA);  
 Toxic Tort and Environmental Law – Mass tort litigation involving private litigants;  
 Consumer Law – deceptive trade practices and consumer protection, implied and express warranties in consumer related transactions;  
 Employment Law – Arbitration – maritime employment – labor contracts;  
 Bankruptcy – Representation of unsecured creditors;  
 Jurisdiction – Conflicts of law and choice of law, including forum selection clauses;  
 Jurisdiction – *In Peronsam* and *In Rem* Jurisdiction;  
 Jurisdiction – Hague Convention and other international treaties – with reference to litigation in the United States;  
 Mediation – Generally and in foregoing areas of specialization, including online mediation;  
 Arbitration – Generally and in the foregoing areas of specialization.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Private practice as an attorney and mediator involving litigation of patent infringement, trademark and trade dress infringement, copyright infringement, unfair competition, trade secrets and licensing disputes; negotiation and drafting of agreements and licenses relating to intellectual property rights; counseling to clients regarding the creation and protection of intellectual property rights.

Teach LL.M level law courses at St. Mary’s University Law School, San Antonio, Texas, in international intellectual property and international business transactions. Both courses focus on transfers of technology, licensing and protection of intellectual property, and dispute resolution involving intellectual property rights, including domain name dispute resolution.

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### **EXPERIENCE WITH RESPECT TO DOMAIN NAMES**

Teach LL.M level law school courses in international intellectual property and international business transactions that include domain name registration and dispute resolution. In private practice as attorney, counsel clients regarding trademarks and domain name registration issues.

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### MAJOR PUBLICATIONS

Cohen, Towns & Tabor, "Defense Strategies from a Respondent's Perspective: Civil and Administrative Matters", presented at the 5th Annual Hazardous & Solid Waste Management Institute, October 14-15, 1993.

"Freight Forwarder Bankruptcies: Recent Developments Concerning the Relationship between Forwarder, Shipper and Ocean Carrier", presented at the Southeast Admiralty Law Institute, June 1988.

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### EXPERIENCE IN COURT LITIGATION

Have acted as counsel in well over 200 court cases in the trial and appellate courts of the United States and the State of Texas from 1982 to the present, the vast majority of as lead counsel. This litigation experience includes cases involving patent infringement and validity (5), trademark and trade dress infringement (9), copyright infringement (3), trademark and copyright licensing (5), trade secrets and unfair competition (8), antitrust (6), commercial litigation (55+), property damage and casualty (80+), maritime collision and general average (15+), toxic tort and environmental cases (75+), insurance disputes (20+), personal injury and wrongful death (50+), employment matters (12), and other general civil litigation.

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### PROFESSIONAL TRAINING IN MEDIATION

Bexar County Dispute Resolution Center, Family Mediation Training;  
WIPO Arbitration and Mediation Center, "WIPO Workshop for Mediators in Intellectual Property Disputes";  
Univ. of Akron Law School, "IP Conflict Resolution";  
Association of Attorney-Mediators, "Advanced Mediator Training";  
A.A. White Dispute Resolution Center, "Basic Mediator Training".

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### EXPERIENCE IN MEDIATION

Acted as counsel in over 50 national mediations and as mediator in 40 national mediations. All mediations were court-annexed and conducted in the United States, although the parties and disputes often are international in nature. The subject matter of the mediations included intellectual property disputes involving trademark, trade dress and copyright infringement claims and licensing disputes (two), commercial and business disputes (more than 25, including 21 as mediator), disputes concerning real or personal property (five as mediator), maritime cases (more than 10), family law cases (seven as mediator), property damage and casualty claims (more than 10, including 3 as mediator), and personal injury and wrongful death claims (more than 20, including 2 as mediator).

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### PROFESSIONAL TRAINING IN ARBITRATION

Member, The Chartered Institute of Arbitrators (MCI Arb). Training for Fellow/Chartered Arbitrator. Additional training in connection with Mediation Training listed above.

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### EXPERIENCE IN ARBITRATION

Served as attorney for management and for Multi-employer pension plans in arbitrations arising under various collective bargaining agreements (three).

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**MEDIATION EXPERIENCE**

**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad Hoc			
	Others:			
Number of cases: sub-total				
Domestic Mediations	Court-Annexed	70+	24	50+
	Others		16	
Number of cases: sub-total				
<b>TOTAL</b>		<b>70+</b>	<b>40</b>	<b>50+</b>