



## **Intellectual Property**

April 7, 2015

I litigated intellectual property cases while at Pillsbury, Madison & Sutro (now Pillsbury Winthrop Shaw Pittman) and at Dillingham & Murphy, my present law firm, and supervised intellectual property litigation at trial and on appeal as general counsel of Tandem Computers Incorporated and Sega of America, Inc.

I have arbitrated and mediated intellectual property cases as an arbitrator and mediator as well as counsel for one of the parties and also have conducted mini-trials on intellectual property issues before senior executives of contesting companies.

In my litigation activities in whatever capacity I focus on the “D” word, which is damages and the “R” word, which is relief, and try to focus on the potential result to see where we are going, and to understand how much time, effort, and expense will be involved. This helps the parties and sometimes avoids a costly and time consuming experience with the “F” word, which is fault. I essentially handle these matters efficiently, with pragmatics first, with low cost a basic factor, and with avoidance of expensive drawn out processes where possible. I understand that intellectual property often has a short “shelf life” and that a victory, however defined, may be meaningless if untimely. This requires diligence in intellectual property matters and attention to detail.

I was introduced to intellectual property as a student at the Army’s antiaircraft guided missile school, where I had my first exposure to computers, electronics, and radar, and, after law school, as the Law Clerk for Supreme Court Justice William O. Douglas, where I was responsible for reviewing and preparing memoranda on intellectual property issues (including patents) coming before the Court. Then later, after twenty years of law practice off and on in the field of computers, I gained detailed experience in intellectual property as Senior Vice President and General Counsel of Tandem and Sega, where I dealt with patent prosecutions and patent litigation, with extensive exposure to copyright, trademark, and trade secret claims and litigation.

In private practice, as well as in-house, I have dealt with employee claims to ownership of inventions involving companies and in one instance involving a California government agency.

I have a technical mind set and patience. I have advised Federal District Court in San Francisco from time to time, when requested, on patent claims in individual cases and have participated in Markman hearings. I have lectured on occasion at the East China University of Politics and Law in Shanghai on patent, copyright, and other intellectual property issues. I currently teach a course on Asian Legal Systems at the University of San Francisco School of Law which covers intellectual property issues in China, Japan, Thailand, and other Asian countries on the Pacific Rim.

I helped open the China market to intellectual property transactions and sales for Pacific Telesis International and for Tandem.

## **Education**

A.B., Summa Cum Laude, University of San Francisco 1956

LL.B., Order of the Coif, University of California School of Law (Berkeley) 1961

Course: Geology, South Dakota School of Mines and Technology, Rapid City, South Dakota 1958

## **Publications**

The Context for Innovation in Japan: Comparative Competitive Aspects and Some Practical Comments, 21 Canada-United States Law Journal 55 (1995)

High Technology Disputes: The Minitrial as the Emerging Solution, 8 Santa Clara Computer and High Technology Law Journal 1 (1992) (co-author)

## **Lectures**

Controlling the Use of Technology at the Hearing, College of Commercial Arbitrators, Annual Meeting (2013)

Entitlement to Damages for Lost Profits in the United States Arising from Patent Infringement in the United States, East China University of Politics and Law (2010)

Licensing of Intellectual Property in the United States--as Affected by the United States Antitrust Laws--Which are Intended to Promote Competition, East China University of Politics and Law (2010)

Standards for Awards of Attorneys' Fees in the United States Federal District Courts in the Ninth Circuit, Beijing Arbitration Commission (2010)

What is a Fair Use of Copyright and Trademark?, Symposium on Antitrust/ Intellectual Property Claims in High Technology Markets, Third Annual Advanced ALI-ABA Course of Study for Plaintiffs' and Defendants' Bars and In-house Counsel (1997)

Personal Jurisdiction and Choice of Law in Disputes Over Real Interactions in Cyberspace, The Computer Law Association (1996)

The Transnational Arbitration of High-Tech Disputes, The Institute for Transnational Arbitration (1996)

Transferring International Technology - Modern Methods of Negotiating Technology Transfer Agreements with Chinese Organizations, San Francisco Global Trade Council (1996)

Intellectual Property and Technology Issues, The Conference Board (1992)

High Technology Dispute Resolution, The Bar Association of the City of New York (1989)

Trade Secret Litigation, California Continuing Education of the Bar (1975)

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