

Alan M. Anderson

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Alan M. Anderson is a nationally recognized trial lawyer with several decades of experience. He is certified by the National Board of Trial Advocacy as a civil trial advocate and by the Minnesota State Bar Association as a civil trial specialist. He is a Fellow of the Chartered Institute of Arbitrators, the first person so recognized in Minnesota. Alan practices principally in the areas of:

- Commercial litigation
- Patent Infringement Litigation
- Intellectual property litigation, including trademark and copyright infringement, trade secrets, and unfair competition
- International arbitration
- Appellate advocacy

Alan's practice is international in scope and he represents clients in a wide variety of industries. Alan has experience in all aspects of complex commercial litigation. He has tried jury cases to verdict in state and federal courts literally from Los Angeles to New York City. In his intellectual property practice, Alan has litigated actions involving a variety of diverse technologies, including medical devices, shape memory alloys, software, electronics and electrical systems, chemical compositions, agricultural equipment, snowmobile equipment, commercial refrigeration systems, and a variety of other mechanical and electrical devices.

His arbitration experience includes large domestic commercial disputes and international arbitration proceedings conducted under the auspices of the London Court of International Arbitration, the Stockholm Chamber of Commerce, and the International Chamber of Commerce in Paris. He has represented foreign corporations in court in the U.S. and in international arbitrations. He is listed on the WIPO Arbitration and Mediation Center's (Geneva, Switzerland) List of Arbitrators for dispute resolution in all types of intellectual property matters. He also is a Fellow of the Australian Centre for International Commercial Arbitration.

Alan has been selected for inclusion in *The Best Lawyers in America*. He is a fellow of the Litigation Counsel of America. He has been recognized repeatedly in *Minnesota Super Lawyers* in the area of intellectual property litigation. Twice he was recognized as one of the top 101 franchise lawyers in America. Since 1999, Alan has been recognized as a Leading American Lawyer in the areas of

commercial litigation and intellectual property law. He has acted as a preliminary and elimination round judge for the Willem C. Vis International Arbitration Moot in Vienna, Austria, in which over 235 law schools from around the world compete.

Alan is admitted to practice in Minnesota, and the U.S. District Courts for the District of Minnesota, District of North Dakota, District of Colorado, and the Eastern District of Wisconsin. He is admitted to the U.S. Court of Appeals for the 4th, 6th, 7th, 8th, 10th and Federal Circuits; and to the Supreme Court of the United States. He also is admitted *pro hac vice* in various U. S. District Courts.

In 2010 and again in 2011, Alan was honored by the Federal Circuit Bar Association for his pro bono work on behalf of veterans in connection with appeals to the Court of Appeals for the Federal Circuit.

Since 2000, Alan has served as a non-executive member of the board of directors of Compumedics, Ltd., of Melbourne, Australia, a publicly-traded company listed on the Australian Stock Exchange. He therefore has real-world business experience with corporations whose operations are global in nature.

Alan is a member of the American Bar Association and its Sections on Litigation, Dispute Resolution, and Intellectual Property Law, as well as the Forum on Franchising. He is also a member of the American Intellectual Property Law Association, the Federal Bar Association, the Federal Circuit Bar Association and the Minnesota State Bar Association. He has given presentations and speeches at international, national, and local conferences and seminars. A frequent writer, Alan has published articles in such publications as *Georgia Journal of International and Comparative Law*, *TDM Journal*, *Managing Intellectual Property*, *Franchise Law Journal*, *Intellectual Property Litigation*, *Minnesota Lawyer*, and *Bench & Bar of Minnesota*.

Immediately following graduation from law school, Alan served as a law clerk to the Honorable John D. Butzner, Jr. of the U.S. Court of Appeals for the Fourth Circuit. Alan received his J.D., *magna cum laude*, from the Cornell Law School in 1982, where he was symposium editor of the *Cornell Law Review* and elected to Order of the Coif. He also received an M.B.A., *with distinction*, from Cornell University Graduate School of Business and Public Administration in 1981, and a B.A., *magna cum laude*, from Coe College in 1978, where he was elected to Phi Beta Kappa and Phi Kappa Phi. Alan received a post-graduate Certificate in International Business and Commercial Law in 1988 from the McGeorge School of Law, University of the Pacific. In 2009, he received an M.A., *cum laude*, in military history, from Norwich University. He is a qualified neutral (ADR) under Rule 114 of the Minnesota General Rules of Practice for the District Courts.

Bar Admissions

Minnesota
U.S. District Court District of Minnesota
U.S. District Court Eastern District of Wisconsin
U.S. District Court District of North Dakota
U.S. District Court District of Colorado
U.S. Court of Appeals 4th Circuit
U.S. Court of Appeals 6th Circuit
U.S. Court of Appeals 7th Circuit
U.S. Court of Appeals 8th Circuit
U.S. Court of Appeals 10th Circuit
U.S. Court of Appeals Federal Circuit
U.S. Supreme Court

Professional Associations

American Bar Association
Member, Sections on Litigation, Dispute Resolution, and Intellectual Property Law; Member, Forum on Franchising

American Intellectual Property Law Association (AIPLA)
Member
AIPLA Quarterly Law Journal, Board of Editors (2008 – present)

Federal Bar Association
Member

Federal Circuit Bar Association
Member; co-chair, membership committee (2009-2010, 2010-2011)

Minnesota State Bar Association
Member

Academy of Certified Trial Lawyers of Minnesota
Member

Chartered Institute of Arbitrators
Fellow

Professional Honors and Awards

Fellow, Chartered Institute of Arbitrators (admitted 2011)

The Best Lawyers in America, Intellectual Property Law (2010, 2011)

Civil Trial Advocate, certified by the National Board of Trial Advocacy (since 2001)

Civil Trial Specialist, certified by the Minnesota State Bar Association (since 1994)

Fellow, Litigation Counsel of America (elected 2007)

"Super Lawyer," *Minnesota Super Lawyers* (2001-2003, 2006, 2008, 2009, 2010, 2011)

"Legal Eagle," *Franchise Times* (top 101 franchise lawyers in the U.S.) (2004, 2005)

"Leading American Attorney," Commercial Litigation, Intellectual Property and Computer Law (1999 to Present)

Martindale-Hubbell individual "AV" peer review rating

Publications

"What is Electronic Discovery," and "Legislative and Judicial Update," *E-Discovery: Searching the Virtual File Cabinets*, National Business Institute (September 14, 2011)

"International Arbitration and the Globalization of Minnesota Business," 68 *Bench & Bar of Minnesota* 22 (May/June 2011)

"Working With Expert Witnesses," *Evidence and Expert Testimony Best Practices: Supporting Your Case*, National Business Institute (June 30, 2010)

"The Globalization of Intellectual Property Rights: TRIPS, BITS, and the Search for Uniform Protection," Co-Author, 38 *Georgia Journal of International and Comparative Law* 265 (Winter 2010)

"International Standards for Protection of Intellectual Property Rights Post-TRIPS: The Search for Consistency," Co-Author, 6 *TDM Journal*, No. 2 (August 2009) www.transnational-dispute-management.com

"You Can't Try a Case Without Them (Unfortunately): Preparing Witnesses to Testify at Trial," *Countdown to Trial: A Crash Course in Trial Preparation for Paralegals*, Institute for Paralegal Education (June 19, 2009)

"Damages Provisions of the Patent Reform Act," *IP Law360* (May 28, 2009)
<http://ip.law360.com/articles/99166>

"International Arbitration: The Only Way to Resolve Multi-Jurisdictional Patent Disputes in a Single Forum," Co-Author, 6 *TDM Journal*, No. 1 (March 2009) www.transnational-dispute-management.com

"Preparing Evidence and Exhibits for Trial," *A Litigation Paralegal's Guide to Case Management*, Institute for Paralegal Education (November 7, 2008)

"Written Discovery Strategies," Co-Author, *Discovery Strategy: Finding the Smoking Gun*, National Business Institute (April 30, 2008)

"Damages Management in IP Litigation," 19 *Intellectual Property Litigation* 6 (Fall 2007)

"Working with Expert Witnesses," Co-Author, *Evidence: Strategies for Finding, Preserving and Using Evidence to Support Your Case*, National Business Institute (October 1, 2007)

"Arbitrating Abroad: A Comparison of Cost and Confidentiality in the Leading International Arbitral Institutions," Co-Author, 11 *Minnesota Lawyer* S-10 (September 17, 2007)

"Issuing and Managing Litigation Hold Notices," 64 *Bench & Bar of Minnesota* 20 (August 2007)

"The New Franchise Rule," Co-Author, Fulbright & Jaworski L.L.P. Briefing (July 2007)

"Why Arbitration is a Valid Alternative," Co-Author, *Managing Intellectual Property* 27 (June 2007)

"Patent Litigation: Some Strategic Considerations," in *Inside the Minds: Understanding the Laws Behind Patents*, Aspatore Books (2006)

"Recent Corporate Litigation Survey Says: It's All About Costs," 9 *Minnesota Lawyer* 1, (December 12, 2005)

"Corporate Lawsuits Crowd Midwest Dockets," 9 *Minnesota Lawyer* 23 (March 28, 2005)

"How to Survive Patent Litigation in the U.S.," *Managing Intellectual Property* 46 (June 2004)

"The Dischargeability of Claims for Injunctive Relief After Bankruptcy," Co-Author, 21 *Franchise L.J.* 134 (Winter 2002)

"Enforcement of Noncompete Provisions Against a Franchisee After Bankruptcy," Co-Author, 21 *Franchise L.J.* 85 (Fall 2001)

"Remedies in Intellectual Property Litigation in the United States," in *International Protection of Intellectual Property*, Dennis Campbell, Ed., Yorkhill Law Publishing (2001)

"Alternative Dispute Resolution: How and When to Use It," *Minnesota Business & Opportunities* 43 (May 1997)

"Why and How to Correct Copyright Registrations," Co-Author, 10 *AIPLA Selected Legal Papers* 281 (October 1992)

"Damages in Patent Infringement Litigation: A Case Study of *Polaroid Corp. v. Eastman Kodak Co.*," 1 *Intellectual Property Law: An International Analytical Review Journal* 281 (1992); translated into Japanese and published in 39 *AIPPI Japan Journal* 118 (1994)

"Insurance and Antitrust Law: The McCarran-Ferguson Act and Beyond," 25 *William & Mary Law Review* 81 (1983); reprinted in *Corporate Counsel's Annual* (1984), page 451; reprinted in *National Insurance Law Review* 83 (Fall 1983)

Book Review, 17 *Georgia Law Review* 885, reviewing D. Armentano, *Antitrust and Monopoly: Anatomy of a Policy Failure* (1983)

Recent Development, "The Agricultural Cooperative Antitrust Exemption - *Fairdale Farms, Inc. v. Yankee Milk, Inc.*," 67 *Cornell Law Review* 396 (1982)

Book Review, 18 *California Western Law Review* 382 (1982), reviewing A. Neale and D. Goyder, *The Antitrust Laws of the United States of America* (3d ed. 1980)

Note, "Conscious Parallelism in the Use of Delivered Pricing Systems: A Modified Per Se Standard of Review Under the Federal Trade Commission Act," 66 *Cornell Law Review* 1194 (1981)

Speeches and Seminar Presentations

"What is Electronic Discovery," and "Legislative and Judicial Update," E-Discovery: Searching the Virtual File Cabinets, National Business Institute (September 14, 2011)

"Preservation of Evidence in E-Discovery: A Paralegal's Guide," National Webinar, Institute for Paralegal Education (August 17, 2011)

"Attacking Opposing Expert Testimony" and "Evidence, Experts and Hearsay in the Courtroom," and panel discussion member, Evidence and Expert Testimony Best Practices: Supporting Your Case, National Business Institute (June 30, 2010)

"Preparing Your Witnesses," Countdown to Trial: A Crash Course in Trial Preparation for Paralegals, Institute for Paralegal Education (June 19, 2009)

"International Arbitration in the Pacific Rim," Pursuing Intellectual Property in the Pacific Rim Seminar, Briggs and Morgan (May 14, 2009)

"Preparing Evidence and Exhibits for Trial," A Litigation Paralegal's Guide to Case Management, Institute for Paralegal Education (November 7, 2008)

"International Arbitration Basics," Global Dispute Resolution Seminar, Briggs and Morgan (October 14, 2008)

"Ensuring Preservation of Your Electronic Evidence," National Webinar, National Business Institute (June 18, 2008)

"Written Discovery Strategies" (presenter) and "A View From the Bench" (panel member), Discovery Strategy: Finding the Smoking Gun, National Business Institute (April 30, 2008)

"Internet," Panel Moderator, International Intellectual Property Law, Center for International Legal Studies, Zauchensee, Austria (March 30-April 5, 2008)

"Advanced Trial Presentation Skills," Effective Presentation Techniques for the Trial Lawyer, National Business Institute (January 31, 2008)

"Preservation of Electronic Evidence," e-Discovery in Patent Litigation, International Webinar, sponsored by Zantaz, Inc. and *Managing Intellectual Property* (July 26, 2007)

"Ensuring Preservation of Your Electronic Evidence," National Webinar, National Business Institute (June 29, 2007)

"Preserving Evidence: Issuing and Managing Litigation Hold Notices," Getting Ahead of the Game: Planning for E-Discovery Before Litigation Happens, Fulbright & Jaworski L.L.P. (June 27, 2007)

"Effective Preservation of Evidence," E-Discovery and Computer Forensics: Strategies for Success, National Business Institute (May 24, 2007)

"Current Issues in International Arbitration of Intellectual Property Disputes," 2007 Arbitration Conference: Today's Fastest Growing Form of Dispute Resolution, Fulbright & Jaworski L.L.P. (April 10, 2007)

"Reverberations of *Echostar*: Does it Still Make Sense to Rely on an Opinion of Counsel?" Panel member, 2007 Intellectual Property Institute, USC Gould School of Law, Beverly Hills, California (March 13, 2007)

"Patents II," Panel Moderator, Protection of Intellectual Property Rights, Center for International Legal Studies, Kitzbühel, Austria (March 12-18, 2006)

"Technology for Efficiently and Cost-Effectively Managing Litigation," Panel member and presenter, Taming the Tiger II: Advanced Topics in Litigation Management, Fulbright & Jaworski L.L.P. (April 1, 2003)

"The Impact of the Internet," Panel Moderator, Protection of Intellectual Property Rights, Center for International Legal Studies, Kitzbühel, Austria (March 17-23, 2002)

"Damages for Patent, Copyright, and Trademark Infringement in the United States," International Protection of Intellectual Property, Center for International Legal Studies, Kitzbühel, Austria (March 19-25, 2000)

"Legal Aspects of Damages in Intellectual Property Litigation," Asset Valuation, Minnesota Institute of Legal Education (November 6, 1998)

"Intellectual Property Law," Minneapolis Legal Secretaries Association (February 15, 1996)

"Tort Reform and Punitive Damages Limitations," Products Liability Advice to UK Exporters, Hammond Suddards Solicitors, Leeds, England (March 10, 1995)

"Alternative Dispute Resolution in Intellectual Property Law," Intellectual Property Litigation, Minnesota State Bar Association (February 10, 1995)

"Recent Developments in Intellectual Property Law" and "Alternative Dispute Resolution in Intellectual Property Law," Intellectual Property Law, Larkin, Hoffman, Daly & Lindgren, Ltd. (May 10, 1994)

"How to Correct Copyright Registrations," Spring Stated Meeting, American Intellectual Property Law Association (AIPLA) (May 13-15, 1992)

"Remedies in Intellectual Property Litigation: Damages and Equitable Relief," Co-Chair, Intellectual Property Litigation: Beyond the Basics, Minnesota State Bar Association (April 24, 1991)

"Corporate Compliance with the Clean Water Act," Environmental Law: Corporate Compliance, Co-Chair, Minnesota State Bar Association (December 11, 1990)

"Claims for Damages Under the Oil Pollution Act of 1990," Swedish Club, Stockholm, Sweden (December 7, 1990)

"Beyond the Basics: Tactics and Strategies for Dealing with Environmental Claims Under the 1990 Oil Pollution Act," International Group of P&I Clubs, London, England (December 4, 1990)