

## WIPO LIST OF NEUTRALS

### BIOGRAPHICAL DATA

Dana HAVILAND  
Los Altos, CA  
United States of America



Nationality: American

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### EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

JD, with distinction, Emory University School of Law, 1975;  
AB, Romance languages (French, Spanish, German and Italian), Georgia State University, 1967.

Bar Admissions:

- California;
  - District of Columbia;
  - Georgia.
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### LANGUAGES

English and French

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### PRESENT POSITION

Online Resolution, Inc, 2001-present;  
Chief Executive Officer, arbitration and mediation practice.

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Wilson, Sonsini, Goodrich & Rosati, Palo Alto, 1985-2001:  
Dispute resolution practice with emphasis on international, intellectual property, commercial and  
January 28, 2020

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## WIPO Profile - D. HAVILAND

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securities arbitration, litigation and mediation for technology and life sciences companies. Caseload includes disputes involving technology licensing agreements, computer hardware and software, Internet technology, telecommunications, interactive multimedia, patent, copyright and trademark disputes, trade secret misappropriation, drug development and medical device agreements, international joint venture and distributorship agreements, mergers and acquisitions, financial agreements, stock purchase agreements, securities law cases and product liability claims.

Surrey & Morse (now Jones, Day, Reavis & Pogue) - Paris, France and Washington, D.C., 1980-85: International legal practice, including international commercial arbitration and litigation, international corporate acquisitions, joint ventures, licensing agreements, construction contracts, employment contracts, and representation of governments.

Alston, Miller & Gaines (now Alston & Bird), Atlanta, GA, 1976-79: Business litigation practice, including banking, securities, antitrust, products liability, construction, secured transactions, real estate, insurance and bankruptcy matters. Trial and appellate work.

Law clerk to the Honorable Griffin B. Bell, United States Court of Appeals for the Fifth Circuit, Atlanta, 1975-76.

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### **MEMBERSHIP IN PROFESSIONAL BODIES**

Member, NAFTA Advisory Committee on Private Commercial Disputes;  
Panel of Arbitrators and Mediators, for International, Technology, and Large Complex Cases American Arbitration Association (AAA);  
Chair, AAA Advisory Council on Intellectual Property and Technology, Northern California;  
International Chamber of Commerce (ICC), International Court of Arbitration Panel of Arbitrators;  
Chair, ICC/USCIB Northwest Subcommittee on Arbitration;  
World Intellectual Property Organization (WIPO) Arbitration Center Panel of Arbitrators;  
National Patent Board Panel of Arbitrators;  
British Columbia International Commercial Arbitration Center Panel of Arbitrators;  
Korean Commercial Arbitration Board Panel of Arbitrators;  
Advisory Committee on Intellectual Property, British Columbia International Commercial Arbitration Center;  
Chair, American Bar Association International Commercial Arbitration Committee, Section of International Law and Practice.

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### **AREAS OF SPECIALIZATION**

International commercial arbitration, litigation and mediation;  
Intellectual property - technology licensing, patent, copyright, trademark and trade secret, arbitration and litigation for computer, Internet, telecommunications and biotechnology companies, financial agreements;

Business and litigation - mergers and acquisitions, stock purchase agreements, international joint venture and distributorship agreements.

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### **EXPERIENCE IN INTELLECTUAL PROPERTY**

Patent infringement, copyright, trademark, domain name, licensing and trade secret disputes involving computer hardware and software, semiconductors, Internet technology, telecommunications, interactive multimedia, pharmaceuticals and medical devices.

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**MAJOR PUBLICATIONS**

“Worldly Preparation - Alternative Dispute Resolution in a Global Setting”, D. Haviland and J. Hessekiel, San Francisco / Los Angeles Daily Journal, 1998;  
“Lista de elementos de una cláusula de resolución de controversias”, Commercial Mediation and Arbitration in the NAFTA Countries (JurisNet LLC 1999).

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**EXPERIENCE IN COURT LITIGATION**

Twenty-five years experience as a business litigator.

**Representative Litigation Matters**

Genentech, Inc. and Novartis Pharma AG v. Tanox, Inc.

U.S. District Court, Northern District of California

Breach of international pharmaceutical product development agreement; trade secret misappropriation;

Impact Systems, Inc. v. ABB

U.S. District Court, Northern District of California

Patent infringement;

Fullman International v. Silicon Valley Group, Inc.

U.S. District Court, Northern District of California

Fraudulent conveyance re international sale of semiconductor manufacturing equipment;

Lincare, Inc. v. Braden Partners

U.S. District Court, Northern District of California

Trade secret misappropriation;

IPC v. Telegen

U.S. District Court, Northern District of California

Securities fraud;

Rapid Power Technologies, Inc. v. Power Ten, Inc.

U.S. District Court, Oregon

Breach of contract and breach of warranty in sale of power supply equipment;

Aspen Technologies v. Sierra Semiconductor Corp.

Superior Court of Santa Clara County, California

Breach of Contract and Breach of Warranty in Sale of Semiconductors

Pyramid Data, Inc. v. Software Publishing Corp.

Superior Court of Santa Clara County, California

Breach of Software contract;

In re Pyramid Corp

U.S. District Court, Northern District of California

Securities class action;

In re Monoclonal Antibodies, Inc.

U.S. District Court, Northern District of California

Securities class action;

In re Eagle Computer, Inc.

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U.S. District Court, Northern District of California  
Securities class action;  
In re Data General Corp.  
U.S. District Court, Northern District of California  
Antitrust litigation.

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### **EXPERIENCE IN ARBITRATION**

Extensive experience as an advocate and arbitrator in international and domestic commercial arbitrations under ICC, AAA and UNCITRAL Rules, involving parties from Pacific Rim countries, Europe, North and South America, Africa, and the Middle East.

#### **Representative International and Domestic Commercial Arbitrations**

AAA arbitration between Korean and US companies re OEM agreement for manufacture of personal computers.

AAA arbitration re patent license agreement for video game slot machines.

AAA arbitration re software distribution agreement between German and US companies.

Arbitration in Göteborg, Sweden under Swedish Arbitration Act regarding acquisition of Swedish subsidiary of US manufacturer of computer-based process control equipment for paper industry.

ICC arbitration between US personal computer manufacturer and Chilean distributor.

Representation of US biotechnology company in AAA arbitration re worldwide license for drug development.

AAA arbitration between two US software manufacturers re asset acquisition agreement and stock registration rights.

AAA arbitration re distribution agreements between US and Israeli manufacturers of brain-imaging devices.

ICC arbitration between US manufacturer of medical diagnostic kits and Spanish distributor.

AAA arbitration of disputes under telecommunications contract.

AAA arbitration re acquisition of software manual printing company.

AAA arbitration re breach of computer hardware and software license agreement.

ICC arbitration re stock purchase agreement between US electronic messaging company and Japanese investor.

ICC arbitration in Geneva between a British construction company and the Algerian government re an oil refinery project in Algeria, financed by the British Export Credit Guarantee Department and a consortium of Italian banks (all proceedings in French).

Representation of the Norwegian government in an ICC arbitration in Paris involving export sales of commodities to Nigeria.

ICC arbitration in Paris of an employment contract between a Kuwaiti manufacturing company and a Danish manager (all proceedings in French).

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Representation of various US companies with claims against the Government of Iran in the US/Iran claims Tribunal in The Hague and in ICC arbitration.

Representation of US defense contractor in AAA arbitration in Los Angeles concerning claims of Saudi arms merchant for commissions on DOD sales of aircraft to Saudi Arabia.

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#### **EXPERIENCE IN MEDIATION**

Mediation of dispute concerning pharmaceutical development and license agreement;

Mediation of stock ownership dispute between directors of UK subsidiary of US software manufacturer;

Mediation of indemnification claims re acquisition of optical manufacturing company.

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#### **PROFESSIONAL TRAINING IN MEDIATION**

Mediation training, American Arbitration Association.

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#### **PROFESSIONAL TRAINING IN ARBITRATION**

Faculty, WIPO Arbitration Workshop;

Faculty, American Arbitration Association International Arbitrator Training;

Faculty, Chartered Institute of Arbitrators, Arbitration Training Programs;

Faculty, Asia/Pacific Center International Arbitrator Training - Singapore, Hong Kong, Vancouver, Honolulu, Los Angeles, San Francisco, Boston;

Faculty, US/Mexico Arbitration Training Programs for the US/Mexico Conflict Resolution Center and Asia/Pacific Center.

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**ARBITRATION EXPERIENCE**
**SUMMARY TABLE**

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA	13		1	2	10
	ICC	15				15
	LCIA	2				2
	Ad Hoc					
	Others:					
<b>Number of cases: sub-total</b>		30		1	2	27
Domestic Arbitrations	AAA	32		2	5	25
	Courts	3				3
<b>Number of cases: sub-total</b>		35		2	5	28
<b>TOTAL</b>		<b>65</b>		<b>3</b>	<b>7</b>	<b>55</b>

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**MEDIATION EXPERIENCE**
**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations	AAA	2		2
	JAMS	1		1
	Ad Hoc			
	Others:			
<b>Number of cases: sub-total</b>		3		3
Domestic Mediations	AAA	6		6
	JAMS	1		1
<b>Number of cases: sub-total</b>		7		7
<b>TOTAL</b>		<b>10</b>		<b>10</b>