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**WIPO LIST OF NEUTRALS**

**BIOGRAPHICAL DATA**

Roderick M. THOMPSON  
JAMS  
San Francisco, CA  
United States of America



Nationality: American

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**EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS**

J.D., University of California, Hastings College of the Law, 1980.  
B.A. (Economics), Trinity College, Hartford, Connecticut, 1977.

Admitted to Bar, California Supreme Court, 1980;  
Admitted to Bar, U.S. Supreme Court;  
Admitted to Bar, U.S. Court of Appeals, Third, Ninth and Federal Circuits;  
Admitted to Bar, U.S. District Courts of California and various other States, U.S. Tax Court;  
Admitted to Bar, Court of International Trade.

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**LANGUAGES**

English

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**PRESENT POSITION**

Arbitrator, Mediator, and Referee/Special Master, JAMS since 2020.

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January 24, 2024

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### PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Farella Braun + Martel LLP;  
Partner, Pillsbury Madison & Sutro.

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### AREAS OF SPECIALIZATION

Antitrust, Employment, Healthcare, Intellectual Property and Technology.

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### MEMBERSHIP IN PROFESSIONAL BODIES

American Intellectual Property Law Association (AIPLA) (about 1994 to 2008)  
--Co-Chair, Alternative Dispute Resolution Committee (1996-1997);  
Licensing Executives Society (LES) (about 1995-2005)  
--Chair ADR Committee for several years;  
American Bar Association (1981 to date)  
--Dispute Resolution, Antitrust, and Intellectual Property Sections;  
California State Bar (1980 to date) and California Law Association (CLA)  
--Alternative Dispute Resolution Committee (early 1998-2000)  
--Litigation Section Executive Committee (1996-1998);  
--Chair Litigation Section ADR Committee (most of the 1990s);  
Silicon Valley Arbitration & Mediation Center,  
--Tech List Appointee (2015 to date)  
The Mediation Society (2015-date)  
--Board of Directors 2018-2022

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### EXPERIENCE IN INTELLECTUAL PROPERTY

For more than 40 years, practice focused on Intellectual Property Litigation, with the majority of time expended in various patent cases. Has been involved substantially in more than 30 patent cases as either a neutral or an advocate. Has handled multi-week trials of patent cases to conclusion in both roles. Also has substantial experience in litigation over copyrights, trademarks, trade secrets and related business torts as both advocate and neutral. In the trademark area, tackled domain name disputes for internet companies, and trademark litigation for clients in the apparel, sugar, wine, hotel, financial services, computer, and telecommunications industries.

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### MAJOR PUBLICATIONS

Frequent author on intellectual property, antitrust, and efficient dispute resolution:

The brave new world of AI-generated intellectual property disputes, with Ryan Abbott and Jackson Lucky, California Daily Journal November 28, 2022;

Considering Patent Arbitration? Be Aware of the PTO Notice Requirement, JAMS ADR Insights Blogpost, December 4, 2020 <https://www.jamsadr.com/blog/2020/considering-patent-arbitration-be-aware-of-the-pto-notice-requirement>;

Repurposed Foul Lines after Google v. Oracle ABA Section of Intellectual Property Law's Landslide Magazine;

Can mediation protect patent settlement license negotiations from later discovery in the US? Intellectual Property Magazine (February 2021);

Exploring and Using Business Solutions in Mediation Settlement Agreements," Alternatives to the High Cost of Litigation (April 2020);

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The Sedona Conference Working Group Series, “Commentary on Patent Litigation Best Practices: Patent-Mediation Chapter” (April 2017), Chapter Editor with Mark Wine;

Supreme Court Ruling Opens Door for Setting Minimum Resale Prices. February 2007;  
 Alternative Dispute Resolution: Arbitration from an Arbitrator’s Perspective, February 2006  
<http://www.mondaq.com/article.asp?articleid=38232>;

The Licensing Exception to the On-Sale Bar: A Wrong Turn on the Path to Predictability, *45 IDEA The Journal of Law and Technology* 35 (2004);

Run for the Border, (with S. Raghunathan) *8-K The Legal Magazine for Business Executives* (Winter 2005 at 34);

A Ninth Circuit About Face: Contractual Expansion of Judicial Review of Arbitration Decisions Will No Longer Be Enforced (2003):

Judicial Strategies for Resolving Intellectual Property Cases Without Trial,” *Journal of World Intellectual Property* (July 1998);

Alternatives to Litigation” with Charles B. Renfrew, Chapter 20 Antitrust Counseling and Litigation Techniques, Julian von Kalinowski, Editor (1994 Matthew Bender)

Columnist on “Alternative Dispute Resolution” and frequent contributor to *IP Litigator*, including “Fighting Personal Jurisdiction in Intellectual Property Cases: Some Practical Lessons” (2001); “Obtaining ‘Appellate’ Review of an Arbitral Award” (2003), “Section 102(b) Bar—Four Years After *Pfaff v. Wells Electronics*” (2003).

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### EXPERIENCE IN COURT LITIGATION

Before retiring from commercial trial practice in September 2020, 40 years of experience in high-stakes civil litigation and trials. Practice emphasized complex commercial litigation, including intellectual property and antitrust cases.

Obtained a final judgment on all five patents allegedly covering prepaid cards based on a favorable claims construction ruling on the first morning of a scheduled two-day Markman hearing. Trials have included disputes over patents covering cardiovascular stents, patents on wet processing methods and apparatus for manufacturing semiconductor chips, intermittent windshield wiper patents, valuation of a well-known international trademark, appropriate royalties owed under a software licensing agreement and the commissions owed a terminated distributor.

Successfully pursued and defended clients against charges of attempted monopolization of the GDS (computerized reservation services) market and alleged patent infringement by contactless payment cards and replacement refrigerator water filters. Has represented an inventor of a software security patent, a maker of chip sets for Global Positioning Systems (GPS) receivers, a Japanese semiconductor equipment manufacturer, an Internet Service Provider, a CAD/CAM software company, a non-profit research institution and a biotech startup. Has litigated copyright disputes over software used on telephone call center switches, voice-messaging software, firefighter figurines from 9/11, gray market knickknacks imported from Asia, the rights to the Beach Boys catalog of songs, and the copyright on day-timers.

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### PROFESSIONAL TRAINING IN MEDIATION AND ARBITRATION

American Arbitration Association (AAA) mediation training, San Francisco Region, 1987; United States District Court for Northern District of California Mediation training (1993) and Early Neutral Evaluation Training (1994 and 2001 (faculty)); American Arbitration Association: Commercial Arbitration training (1988); Advanced Commercial/Construction Arbitrator Training (1993);

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Commercial Arbitration Training Workshop (April 1999), Arbitrator Update 2001, Commercial Arbitrator II Training Workshop (July 2002); Arbitration Awards: Safeguarding, Deciding & Writing Awards (November 2004); and Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (December 2005).

American Intellectual Property Law Association (AIPLA) mediation training (faculty) (1994); Licensing Executives Society (LES) mediation training (faculty) (1995); JAMS Institute's e-discovery motion practice program (presentation for training of JAMS neutrals) April 14, 2009, with Martin Quinn, Charles Ragan, and Cathy Yanni; Problems/Challenges in Effectively Using Arbitration and Mediation in Patent Litigation and Ways to Improve Their Use, ABA Annual Meeting August 8, 2013 (Moderator of Panel: Judge James Ware (Ret.), Scott Donahey and Harrie Samaras); Smarter, Faster, Cheaper Technology Dispute Resolution Conference, September 16, 2016, Panel: "Should arbitration and mediation be utilized in tech disputes? Faster? Cheaper?," with Susan Nycum, Les Schieflebein, Serena Lee, Colin Rule, and Robert Morrill; How Technology is Shaping the Future of ADR Practice, ABA DR Section April 20, 2017 (Moderator of Panel: Gary Benton, Daralyn Durie, Daniel Garrie, Renny Hwang); Advanced Issues in Tech and Patent ADR: Mediating and Arbitrating Disputes November 7, 2018 (Program Co-Chair with David Allgeyer); Sedona Conference on Remote Case Management of IP Proceedings, June 10 and 11, 2021 (via Zoom), panelist on "Remote trials and ADR;" 2021 ABA Arbitration Training Institute, (via Zoom) May 2022, Facilitator on Preliminary Hearings; Stanford Law School Advanced IP/Tech Mediation and Arbitration Course, June 8 and 9, 2023, (Faculty and Planning Committee).

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### EXPERIENCE IN MEDIATION AND ARBITRATION

Served as chair in an arbitration between Chinese and U.S. competitors over seven patents requiring a two-day Markman (or claim construction) hearing, a lengthy claims construction order, an ESI discovery protocol, and a half dozen other pre-hearing orders. There was a three-week hearing, three interim, and a final award, collectively totaling more than two hundred pages. Represented the plaintiff class of self-funded healthcare payors (employers and union trusts) who successfully defeated a motion to compel arbitration based on a contract that the class members had never seen or agreed to (the contract was between the defendant hospital system and a health insurer). *UFCW & Employers Benefit Trust v. Sutter Health* (2015) 241 Cal.App.4th 909.

Since joining JAMS in September 2020, in addition to IP and technology cases, served as arbitrator in various complex commercial cases, including contract disputes and a variety of employment cases (including "mass" arbitrations). Served as sole arbitrator in an ICC case involving an alleged breach of an exclusive distributorship agreement for failing to pay commissions on Non-Fungible Tokens (NFT) sales. Other cases that have gone to award include disputes over a software license (six hearing days), breach of a patent litigation settlement agreement, alleged copyright infringement by a European Respondent, a multi-patent dispute between direct competitors who made cardiovascular stents, a claimed breach of contract for canceling a large event out of concerns about the Omicron COVID surge, and a dispute over commissions earned on software sales.

Has served as an arbitrator and mediator on these Panels.

JAMS Neutral Panels (2020 – to date);  
 ICC Panel of Arbitrators (2021 – to date);  
 CPR Institute Panels of Arbitrators and Mediators (1994 – to date);  
 Arbitrator and Mediator, American Arbitration Association, (1987 – 2020);  
 Mediator and Early Neutral Evaluator for the U.S. District Court for the Northern District of California since 1993 and 1994, respectively to date.  
 Recipient of the Distinguished Service Award as "Mediator of the Year" from the San Francisco Office of the American Arbitration Association, November 1989;  
 Recipient of Recognition for Service as a Neutral, United States District Court, Northern District of California, April 1999.

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