
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Richard Allan HORNING
Reed Smith
Palo Alto, CA
United States of America



Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

B.A. Political Science, University of California, 1966;
J.D., Duke University School of Law, 1969.

LANGUAGES

English

PRESENT POSITION

Counsel, Reed Smith.

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

SNR Denton LLP, 2009-2013;
Fish & Richardson P.C., 2006-2009;
Partner and Chair, Internet Practice Group, Tomlinson Zisko Morosoli & Maser LLP, 1996 – 2006;
Partner, Horning, Janin & Harvey, 1983–95.
Partner, Ream, Train, Horning, Ellison & Roskoph, 1977-83;
Pillsbury, Madison & Sutro, Associate and Partner, 1970-77;
United States Court of Appeals for the Ninth Circuit, Law Clerk to Judge Oliver D. Hamlin Jr., 1969-70.

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AREAS OF SPECIALIZATION

Counseling E-Commerce companies at all stages of development;
Securing, protecting and licensing intellectual property rights - domestically, internationally and in cyberspace;
Arrangements concerning supply and distribution relationships, including antitrust and unfair competition considerations;
Dispute Resolution affecting technology driven industries.

MEMBERSHIP IN PROFESSIONAL BODIES

Advisory Board, Electronic Information & Policy Law Report (BNA), 1996 to present;
American Arbitration Association, Arbitrator, 1989 to present;
Board of Editors, E-Commerce Law Report (Glasser LegalWorks), 1998 to present;
City and County of San Francisco, Deputy Public Defender, 1976;
Contributor, Antitrust Law Developments, Second, American Bar Association, 1984;
Intellectual Property Section, State Bar of California, Executive Committee, 1998 to present;
International Chamber of Commerce, Panel of Arbitrator, 1996 to present;
Member, Information Security Committee, Science and Technology Section, American Bar Association, 1996 to present;
Member, United States Patent and Trademark Office, Trademark Office Public Advisory Committee, 1999 to present (California State Bar IP Section Representative);
National Patent Board, Panel of Arbitrators, 1999 to present;
Superior Court, State of California for County of Santa Clara, Discovery Referee, 1997 to present;
Superior Court, State of California for the City and County of San Francisco, Judge Pro Tem, 1990 to present;
Superior Court, State of California for the County of Contra Costa, Special Master, 1996-97;
World Intellectual Property Organization, Arbitrator, 1994 to present.

MAJOR PUBLICATIONS

"Applicable Law in Electronic Commerce: The Boundless Choices in Cyberspace," in Proceedings of the 19th Annual Meeting of the ICC Institute of World Business Law [publication pending];
"The Use of New Means of Communication in Aid of the Acceleration of International Arbitration" in Improving International Arbitration: The Need for Speed and Trust (ICC 1998);
"Interim Relief in WIPO Arbitration: Article 46 and the WIPO Emergency Relief Rules," 8 American Review of International Arbitration, 1998, [publication pending];
"The Ethics of Attorney-Client E-Mail Communications," 14 Computer Law Strategist No. 9 1998; 4 Multimedia & Web Strategist No. 3, 1998;
"Contracting over the Internet" in Electronic Commerce in Practice: The World Business Agenda for Electronic Commerce (ICC), 1997;
"Interim Relief in International Intellectual Property Arbitration," 22 New Matter [No. 1/2] 32, 1997;
"Deferral of Enforcement of New York Convention Awards for Prudential Reasons," [1997] International Arbitration Law Review No. 1;
"The Enforceability of Contracts Negotiated in Cyberspace," 5 International Journal of Law and Information Technology 109, 1997;
"The American Experiments in Digital Signature Legislation" in Proceedings of European Forum on the Law of Telecommunications, Information Super Highways and Multimedia, 1997;
"Note on the Liability of a Successor for the Obligations and Torts of its Predecessor in Asset Acquisitions" in Proceedings of 1st Annual Cyberspace BootCamp, Computer Law Association, 1997;
"Liability Risks of Internet Service Providers and Owners of Computer Networks" in Intellectual Property and Conflicts of Convergence: Entertainment v Publishing v High Tech (Intellectual Property Section, California State Bar Association, 1997);
"The Enforceability of Contracts Negotiated in Cyberspace" in Proceedings of RSA Data Security Conference, 1997;
"Has HAL Signed a Contract: The Statute of Frauds in Cyberspace" 12 Santa Clara Computer and High Technology Law Journal 253, 1996, cited in Doherty v. Registry of Motor Vehicles, No.

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- 97CV0050 (Suffolk Co. (MA) Superior Court, May 28, 1997). See <http://www.state.ma.us/itd/legal>;
- "Has HAL Signed a Contract: The Statute of Frauds in Cyberspace" in Proceedings of European Lawyers Union Symposium - The Law of Information Super-Highways and Multimedia: A New Challenge, 1996;
- "The Ethics of E-Mail: Is the Attorney-Client Privilege Safe in Cyberspace" in Proceedings of the 20th Annual Intellectual Property Law Institute, Intellectual Property Section, California State Bar Association, 1995;
- "Contracting by E-Mail: The Statute of Frauds in Cyberspace" in Proceedings of Computers & The Law II Symposium (SUN Users Group 1995);
- "The Statute of Frauds in Cyberspace" in Commercial Alliances in the Information Age, John Wiley & Sons, Ltd., 1996;
- "Provisional Relief Proceedings in Technology Litigation" in Intellectual Property Litigation in Technology Cases (Prentice Hall Law & Business Trial Advocacy Institute, 1992);
- "Copyright Protection for Computer Software" in Proceedings of the International Conference on Computers and Law, 1988;
- "Discovery of Electronically Stored Evidence," 3 The Computer Lawyer No. 2 (1986);
- "Copyright Protection of Computer Software" in Computer Litigation 1985: Trial Tactics and Techniques (Practicing Law Institute, 1985);
- "Electronically Stored Evidence: Answers to Some Recurring Questions Concerning Pretrial Discovery and Trial Usage," 41 Washington and Lee Law Review 1335 (1984);
- "Risk Allocation in Computer Contracts" in Computer Litigation 1984: Resolving Computer Related Disputes and Protecting Proprietary Rights (Practicing Law Institute, 1984);
- "Computer Hardware Maintenance Contracts" in Computer Law 1982: Acquiring Computer Good and Services (Practicing Law Institute, 1982);
- "Elements of Copyright Protection" in American Electronics Association Legal Symposium for High Technology Industries (American Electronics Association 1982);
- "Plaintiff's Discovery and Pre-Trial in a Computer-Related Proprietary Rights Dispute," in Contesting Computer Disputes: Litigation and Other Remedies in Contract, Trade Secret and Copyright Cases (Law & Business, Inc. 1981);
- "Securing Discovery of Computer Based or Computer Generated Evidence" in Federal Discovery in Complex Civil Cases (New York Law Journal Seminars Press 1980), cited in National Union Electric Corporation v. Matsushita Electric Industrial Co., 494 F.Supp. 1257 (E.D.Pa. 1980);
- "The First Amendment Right to a Public Forum", 1969 Duke Law Journal 931, cited in Lehman v. City of Shaker Heights, 418 U.S. 298 (1974) ; Dallas Association of Community Organizations for Reform Now v. Dallas County Hospital District, 478 F.Supp. 1250 (N.D.Tex. 1979).
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EXPERIENCE IN COURT LITIGATION

Counsel in Publicly Referenced Litigations:

- EFF Pro Bono Lead Counsel for defendant Bunner in DVD Copy Control Association, Inc. v. McLaughlin et al, No. 786804 (Santa Clara Co. Superior Court, January 20, 2000) [preliminary hearing transcript available at <http://www.eff.org>];
- Co-counsel for defendant in International Plastics and Equipment Corporation v. Portola Packaging, Inc., 1996-2 Trade Cases (CCH) 71,482 (W.D.Pa. 1996);
- EFF Pro Bono Counsel for defendant bulletin board sysop in Religious Technology Center v. Netcom On-Line Communications Services, Inc., No. 95-20091 RHW, 1995 Comp. Ind. L. Rptr. 20214, 20292, 20357, 20380, 20435 (N.D.Cal. 1995) [preliminary hearing transcript available at <http://www.eff.org>];
- Lead counsel for plaintiff in Apollo Computer, Inc. v. Helge Berg and Lars Arvid Skoog, No. 93-10128-T, 1993 Comp. Ind. L. Rptr. 16432 (D. Mass. 1993), opinion on motion to confirm award, dismiss declaratory relief action and compel further arbitration sub. nom. Hewlett-Packard Co. v. Helge Berg, 867 F. Supp. 1126 (D. Mass. 1994), confirmation of arbitration award vacated and reversed with instructions, 61 F.3d 101, 10 Mealey's International Arbitration Report (No. 8) F-1 (1st Cir. 1995);
- Lead counsel for the defendant in Free Flow Packaging Corporation v. Hewlett-Packard Company, No. H007555 (Court of Appeal for the Sixth Appellate District, June 12, 1992), cross-petitions for hearing denied, No. S027812 (California Supreme Court, September 24, 1992);

Lead counsel for defendant in Helge Berg and Lars Arvid Skoog v. Apollo Computer, Inc., No. 6259/BGD (Court of Arbitration, International Chamber of Commerce, January 24, 1992). See also Apollo Computer, Inc. v. Helge Berg, 886 F.2d 469 (1st Cir. 1989);

Lead counsel for the plaintiff in Carma Developers (California) Inc. v. Marathon Development California Inc., 2 Cal.App.4th 1147, 259 Cal.Rptr. 908 (1989), petition for review transferred to Court of Appeal for the Third District, 262 Cal. Rptr. 548 (1989), review granted, 264 Cal. Rptr. 824 (1989), final decision, 4 Cal. 4th 342, 6 Cal. Rptr.2d 467, 826 P.2d 710 (1992);

Lead counsel for the plaintiff in Avatar Technologies, Inc. v. Adacom Corporation, No. 86-2487-S (D.Kan. 1986)[Slip Opinion on Lexis], 1986 Comp. Ind. L. Rptr. 5033;

Lead counsel for the plaintiff in Vespa of America Corporation v. Bajaj Auto Limited, 550 F.Supp. 224 (N.D.Cal. 1982). See also, Vespa GmbH. v Zweirad-Roth GmbH & Co., No. 19-0-143/83 (Landgericht Darmstadt 1983), affirmed, No. 6-U-164/84 (Oberlandesgericht Frankfurt am Main, 1986);

Among trial counsel for the defendant in In Re Data General Antitrust Litigation, 470 F.Supp. 855 (JPMDL 1979), further consolidation order, 510 F.Supp. 1220 (JPMDL 1979), decision on summary judgment motions, 490 F.Supp. 1089 (N.D.Cal. 1980), j.n.o.v granted, 529 F.Supp. 801 (N.D.Cal. 1981), j.n.o.v. reversed and jury verdict reinstated, 734 F.2d 1336 (9th Cir. 1984), cert. den., 473 U.S. 908 (1985).

EXPERIENCE IN ARBITRATION

Participant in more than 30 international, domestic, judicial, and NASD arbitrations, as counsel, chair of the arbitration panel, co-arbitrator, or sole arbitrator.
