

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Elliot Edward POLEBAUM
Fried, Frank, Harris, Shriver & Jacobson
Washington DC
United States of America



Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., New York University, School of Law, 1977;
M.P.A., Harvard University, 1975;
B.A., Middlebury College, 1972.

LANGUAGES

English, French

PRESENT POSITION

Partner, Fried, Frank, Harris, Shriver & Jacobson.

MEMBERSHIP IN PROFESSIONAL BODIES

New York, Massachusetts and District of Columbia Bars;
American Bar Association (ABA):
Sections of Litigation, Intellectual Property, International Law and Practice;

January 13, 2020

International Bar Association (IBA):
Section on Business Law;
Committee on Procedures for Settling Disputes, International Litigation, International
Computer and Technology Law;
Computer Law Association.

AREAS OF SPECIALIZATION

Arbitration - international commercial generally;
- intellectual property;
Intellectual property - copyright, trademark, patent and trade secret litigation;
Litigation - commercial.

EXPERIENCE IN INTELLECTUAL PROPERTY

Served as counsel in both litigation and arbitration of intellectual property disputes, including patent, copyright, trademark and trade secret disputes, and disputes arising out of licensing agreements. Recent representations have included:

- a French software company in various trademark infringement litigations;
- a French avionics company in various patent infringement litigations;
- a French oil company in an ICC arbitration in Geneva arising out of a patent licensing dispute with a U.S. oil company;
- a U.S. systems engineering company in an ICC arbitration in London against a Spanish company involving the installation of a command and control prototyping laboratory in Madrid and the related licensing of proprietary software;
- a U.S. retail chain in copyright infringement litigation;
- an Italian couturier in trademark infringement litigation;

Also experienced in negotiating and drafting licensing agreements;
Has been on the Faculty of the following *New York Law Journal* Seminars:

- Intellectual Property Litigation, May 1995;
- Multimedia and Technology Licensing, October 1993 and 1994;
- Negotiating and Litigating Computer Contracts, April 1992;

Spoken at professional programs in the United Kingdom, France, Spain and Hong Kong, on arbitration and other forms of alternative dispute resolution.

MAJOR PUBLICATIONS

Chapter on Procedural Issues in: Stuckey, *Internet and Online Law*, Law Journal Seminars Press, 1996, 1997, 1998 and 1999 annual updates;

"Discovery in the United States in Aid of Foreign Litigation," *International Business Lawyer*, October 1996;

Monograph, "Arbitration and Mediation for Intellectual Property Disputes," April 1995;

Monograph, "Recent Developments in Multimedia and Interactive Technology Licensing," September 1994;

Monograph, "Recent Developments in Multimedia and Interactive Technology Licensing," September 1993;

"United States Courts' Position on Judicial Assistance to Foreign Tribunals," *International Business Lawyer*, December 1991;

Case Note, "Proper Venue In Which to Petition to Vacate a Foreign Arbitration Award," *International Business Lawyer*, April 1991;
"United States Foreign Sovereign Immunities Act and the Kingdom of Swaziland Case," *International Legal Practitioner*, December 1990;
"Effect of Proposed Amendments to the Federal Rules of Civil Procedure on Litigation Involving Foreign Parties," *International Business Lawyer*, June 1990;
Case Note, "Hague Convention," *International Business Lawyer*, March 1990.

EXPERIENCE IN COURT LITIGATION

Law Clerk to Wm. J. Brennan, Jr., Supreme Court of the United States of America, 1980-1981;
Law Clerk to James L. Oakes, United States Court of Appeals for the Second Circuit, 1977-1978;
Acted as counsel in approximately 70 cases in federal trial and appellate courts throughout the USA, and was lead counsel in 30;
Also acted as counsel in approximately 25 cases in various state courts in New York, Massachusetts, District of Columbia, Maryland and Delaware, and was lead counsel in 20;
The subject matter of the cases included trademarks, copyrights, trade secrets, licensing, and general contractual and commercial disputes.

EXPERIENCE IN MEDIATION

Has been involved as counsel in nine mediations of complex commercial and corporate disputes, one mediation of a patent infringement dispute and one mediation of a software licensing dispute.

EXPERIENCE IN ARBITRATION

Has acted as lead counsel in over 60 national and international arbitrations. The location of the arbitrations included the USA, United Kingdom, Sweden, Switzerland, France and Austria. The arbitrations were ad hoc or conducted under the auspices of the International Chamber of Commerce (ICC) or the American Arbitration Association (AAA), and include the following:

- Andersen Worldwide Société Coopérative in an ICC arbitration in Geneva initiated by Andersen Consulting;
- An important international organization in an UNCITRAL arbitration in New York involving breach of contract, fraud and related claims brought by a supplier of air charter services to the organization's operations;
- A French oil company in an ICC arbitration in Geneva arising out of a patent licensing dispute with a U.S. oil company;
- A U.S. systems engineering company in an ICC arbitration in London against a Spanish company involving the installation of a command and control prototyping laboratory in Madrid and the related licensing of proprietary software;
- A U.S. company in an ICC arbitration in Stockholm arising out of a contract for the procurement of military equipment from a Russian State entity;
- A French satellite manufacturer in a breach of contract arbitration in Washington before the AAA arising out of a construction and purchase contract;
- A French oil company in an UNCITRAL arbitration in Lausanne arising out of a joint venture in Turkey with a major Turkish industrial group;
- A U.S. manufacturer in an UNCITRAL arbitration in London arising out of a construction project in Thailand;

- A French semiconductor manufacturer in an ICC arbitration in Paris arising out of the construction of a new plant in France;
- A U.S. manufacturer in multiple AAA arbitrations in Washington against its British distributor;
- A Swiss company in an ICC arbitration in Vienna arising out of the purchase of a Danish company;
- A U.S. company in an ICC arbitration in Paris arising out of the purchase of a European business from a French pharmaceutical and chemical company;
- A European energy company in an LCIA arbitration in London arising out of a petroleum supply contract;
- European nuclear interests in Stockholm Chamber of Commerce and AAA arbitrations in Europe and North America related to both construction contracts and enrichment services contracts;

Has also served as arbitrator in five cases - one national and four international. The subject matters of the arbitrations included licensing, intellectual property, investment, construction, and general contractual and commercial disputes.

ARBITRATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA	11	1		2	8
	ICC	10	1			9
	LCIA	1				1
	Ad Hoc	25				25
Number of cases: sub-total		47	2		2	43
Domestic Arbitrations	AAA	5			1	4
	Ad Hoc	11				11
	NASD	1				1
	NYSE	1				1
Number of cases: sub-total		18			1	17
TOTAL		65	2		3	60

MEDIATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	U.S. District Court (San Francisco)	1		1
	Ad Hoc			
	Others:			
Number of cases: sub-total		1		1
Domestic Mediations	CPR	1		1
	US Bcy Court (SDNY)	1		1
	JAMS/ ENDISPUTE	1		1
	Ad Hoc	7		7
Number of cases: sub-total		10		10
TOTAL		11		11