

John M. Delehanty, Esq.



John M. Delehanty is an experienced litigator and arbitrator with experience in Intellectual Property and Commercial Litigation (including computer software and patent), biotech, pharmaceutical contracts and licensing, employment, entertainment and other commercial disputes. He has 45 years of experience as a trial lawyer and is the author of many articles on ADR and intellectual property issues. He has served as Neutral (Chair, sole arbitrator) in over 30 arbitrations and over 45 mediations in the US and abroad.

Areas of Expertise:

- ANTITRUST
- APPELLATE
- ATTORNEY FEE/MALPRACTICE
- CONTRACTS
- ENTERTAINMENT, MEDIA & SPORTS
- IP (TRADEMARK & COPYRIGHT)
- INTERNATIONAL ARBITRATION
- PATENT
- SECURITIES/FINANCIAL SERVICES

ADR Experience and Qualifications:

Representative cases: computer software disputes; pharmaceutical licensing matters, disputes involving biotechnology companies, litigation concerning consumer products, disputes concerning drug development contracts and associated FDA issues, commercial and residential real estate, print and billboard advertising, small business disputes, intra-family disputes, trusts and estates issues, fashion, jewelry, film and entertainment, employment, legal fee disputes, and automotive repair services.

- Listed on rosters of the International Trade Commission, World Intellectual Property Organization, Commercial Division, New York Supreme Court.
- Chair of ADR Committee of American Intellectual Property Law Association (2012-2015)
- Member, The Sedona Conference, Working Group 10 – Patent Litigation Best Practices, Patent Mediation Team.

- Member, CPR Task Force on Patent Mediation (Chair, Subcommittee on Unique Patent Issues).
- Panel Chair of the New York Lawyer Disciplinary Committee for five years. Presided over 20 contested disciplinary proceedings. Founded the Complaint Mediation Panel to resolve lawyer-client grievances in New York.

Representative Matters:

- Mediator in dispute concerning computer software patents
- Mediator in biotech dispute concerning license for Hepatitis C drug
- Mediator in false advertising dispute concerning artificial sweeteners
- Mediator in dispute concerning automotive repair services
- Arbitrator in dispute concerning patent royalties on arthritis drug
- Panel Chair in Arbitration concerning patent royalties on erythropoietin drug
- Arbitrator in dispute concerning patents on magnetic sunglasses
- Pentium Fund Ltd. v. Intel Corporation (Advocate in mediation concerning Lanham Act and false advertising issues)
- New York University v. E.piphany, Inc. and SSA Global (Advocate in mediation concerning customer relations management software)
- Cooper Cameron v. Kvaerner Oilfield Products (Advocate in Mediation concerning off-shore drilling equipment)
- Nellson Nutraceuticals v. Elan Nutrition, Inc. (Advocate in Mediation concerning high-protein nutrition bars)

Publications and ADR Speeches:

Authored many articles on ADR and intellectual property issues, including drafting arbitration agreements and civil RICO claims in the context of arbitration. Speaker at American Intellectual Property Law Association, American Bar Association, Association of Corporate Patent Counsel and Licensing Executives Society events.

- **The Sedona Conference – April 2017** “Commentary on Patent Litigation Best Practices: Patent Mediation Chapter”
- **AIPLA Mid-Winter Institute – January 2016** “Mediation as an Effective Tool for Resolving Patent Reinsurance Disputes”
- **ARIAS U.S. 2015 Umpire Master Class – November 2015** “The ARIAS U.S. Streamlined Rules for the Resolution of U.S. Insurance and Reinsurance Disputes”
- **AIPLA Spring Meeting– May 2014** “The Often Neglected Art of Drafting the ADR Clause in a License Agreement”
- **Licensing Executives Society – November 2013** “Best Practices – Alternative Dispute Resolution and Licensing”
- **ABA- IPL Spring Conference in DC – April, 2013: CPR – “Effective Practices Protocol for Patent Mediation”**

- ACPC (Association of Corporate Patent Counsel) Winter Meeting in Orlando, Florida, January 2013: *"CPR Patent Mediation Task Force – Findings and Recommendations"*
- "Report of the CPR Patent Mediation Task Force – Effective Practices Protocol" – January 2103
- *"Why Patent Mediation Works"* – CPR Mediation Task Force Brochure – January, 2013
- **ABA ADR Section Annual Spring Conference in Washington DC – April, 2012:** *"Confidentiality and Disclosure Issues for ADR Neutrals in Technology Disputes"*
- **CPR Y-ADR Seminar Hosted by Mintz Levin – October, 2011:** *"Successful ADR Strategies for Life Sciences Companies: What Young Lawyers should Know."*
- NYIPLA 27th Annual Joint Patent Practice Continuing Legal Education Seminar – New York, April, 2011: *"Ethical Considerations Under Federal Rule of Civil Procedure 26 as Amended in December 2010."*
- Mintz Levin Patent Litigation Group (MLPG) Newsletter – February 2011: *"The Benefits of Mediation and/or Arbitration over Trial."*
- **AIPLA Mid-Winter Institute, La Quinta, California, January 2010:** *"The Ethical Minefields of ADR, Arbitration and Mediation – What Every Lawyer Needs to Know."*

Related Trial Experience:

Over 45 years' experience as a trial lawyer litigating substantial matters through trial and appeal in state and federal courts throughout the U.S. Lead trial counsel in 15 major trials (6 jury trials) and 8 appellate arguments. Clients include major industrial, pharmaceutical, energy and financial services companies in the U.S. and abroad, entertainment companies, sports teams and airlines. Trial practice in the last 25 years focused on intellectual property (patent, trademark and copyright) matters (50%), antitrust (25%) and commercial law (25%).

Professional Licenses:

Admitted to the Bar: New York, 1971; U.S. District Court: Southern (1973) and Eastern (1973) Districts of New York; U.S. Court of Appeals: Second (1975), Third (1972), Fourth (1996) and Federal (1989) Circuits; U.S. Supreme Court, 1984.

Professional Associations:

President and Board Member, American Intellectual Property Law Education Foundation; American Bar Association; New York State Bar Association; Association of the Bar of the City of New York (State Courts Committee; Professional Ethics Committee; Professional Disciplinary Committee, Chair); American Intellectual Property Law Association (Amicus Committee; Vice Chair and Chair, ADR Committee); Intellectual Property Owners Association (ADR Committee); New York Intellectual Property Law Association (Board Member, Chair, Committee on Internet Law).

Education:

- University of Chicago Law School (JD 1969)
- Brown University (BA-1966)