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Martin M. Zoltick
Member



Mr. Zoltick has broad intellectual property experience representing a wide range of United States and international clients in all aspects of patent, copyright, and related intellectual property matters including acquisition, exploitation, enforcement and defense. He has extensive patent litigation experience and has served as trial counsel in major patent disputes in the federal district courts, in Section 337 actions before the International Trade Commission, as well as in patent interference proceedings before the U.S. Patent and Trademark Office. He has developed a particular expertise in counseling both plaintiffs and defendants on damages in patent infringement suits and has published and lectured on the subject of patent damages, including co-authoring "Calculating Damages the Rite Way: Applying the Federal Circuit's Decision in Rite-Hite Corp. v. Kelley Co., Inc.," published in

both Intellectual Property Today and International Legal Strategy.

Mr. Zoltick's practice also includes counseling clients on patent strategies, due diligence, and portfolio development, valuation, and acquisition. He has substantial experience in patent procurement, in preparing patent infringement and validity opinions, in handling transactional matters involving licensing, joint ventures, development and consulting agreements, and in dispute resolution and arbitration. He also advises emerging businesses on the development and protection of intellectual property rights in relation to raising capital, as well as in the creation and implementation of strategic intellectual property plans.

Mr. Zoltick has represented a wide range of clients, including independent inventors, entrepreneurs, emerging businesses, middle market and mature companies, as well as investors and venture capitalists. He has experience working in a broad range of technologies and fields, including computer hardware and software, telecommunications, internet and e-commerce, chemical coatings and compositions, pharmaceuticals, medicine, and apparel.

Mr. Zoltick was born in New York City in 1962. He received his B.S. in Computer Science cum laude from Northeastern University in 1985, and earned his J.D. in 1989 from Catholic University of America, where he was awarded the American Jurisprudence Award for Federal Civil Practice and Procedure. Mr. Zoltick was admitted to the Bar of the Commonwealth of Virginia in 1989 and to the Bars of the District of Columbia and the State of New Jersey in 1990. He is registered to practice before the U.S. Patent and Trademark Office and is a member of the American Bar Association (Past Chairman, Patent Damages Subcommittee, Intellectual Property Law Committee 601 - Federal Trial Practice and Procedure; Litigation Committee), the American Intellectual Property Law Association (Member, Electronic and Computer Law Committee; Federal Litigation Committee; Interference Committee), Intellectual Property Owners Association (Member, Open Source Committee Member, Patent Interferences Committee), and the Computer Law Association. Mr. Zoltick worked as a Software Engineer at Data General Corporation before entering the field of law.

Areas of Concentration:

- Counseling
- Licensing and Transactions
- Litigation
 - Federal District Court
 - International Trade Commission

- Patent Interferences
- Patent Prosecution
 - Electrical and Computers
 - Software, E-Commerce, and Business Methods

Education:

- Catholic University of America, Columbus School of Law, J.D., 1989
- Northeastern University, College of Computer Science, B.S. in Computer Science, *cum laude*, 1985

Bar Admissions:

- Commonwealth of Virginia (1989)
- District of Columbia (1990)
- State of New Jersey (1990)
- United States Patent and Trademark Office (1992)

Publications:

- Zoltick, M. and Orange, D., "On the Open-Source Frontier," Legal Times (October 2006).
- District of Columbia Bar Continuing Legal Education Program, "Software Patent Primer: Acquisition, Exploitation, Enforcement, and Defense," August 2004 and August 2005.
- Like It or Not -- E-Patents Are For Real, Internet Law Update (Fall 1999).
- Zoltick, M. & Green, P., Calculating Damages the Rite Way: Applying the Federal Circuit's Decision in Rite-Hite Corp. v. Kelley Co., Inc., Intellectual Property Today (July 1997).
- Zoltick, M. & Green, P., Calculating Damages the Rite Way: Applying the Federal Circuit's Decision in Rite-Hite Corp. v. Kelley Co., Inc. (Japanese Language), International Legal Strategy, Vol. V-12 (December 1996).
- Zoltick, M. & Kelber, S., U.S. Litigation and International Competition, International Legal Strategy, Vol. IV-12 (December 1995).
- Zoltick, M. & Friedman, S., Functionality and the Proliferation of Product Configuration Registrations, AIPLA Selected Legal Papers, Vol. 1X, No. 1 (July 1991).

Lectures and Presentations:

- District of Columbia Bar Continuing Legal Education Program, Faculty Member, "Software Patent Primer: Acquisition, Exploitation, Enforcement, and Defense" (August 2004)
- The 2001 Intellectual Property Conference, Amelia Island Plantation, Amelia Island, Florida, Invited Speaker, "Counseling Clients on Licensing and Marketing IP" (May 2001)
- Georgetown University, Graduate School of Business, Entrepreneurship, Invited Lecturer (Spring Semester 2000)
- The 1999 Intellectual Property Conference, Amelia Island Plantation, Amelia Island, Florida, Invited Speaker, "*Markman, Hilton-Davis, & Rite-Hite -- Where Are We Now?*" (May 1999).
- Patent Bar Review Course, Claims Instructor, sponsored by Patent Resources Group, Inc. (1994-96).

Representative Litigation Matters:

Federal District Court

- *AFGD, Inc. v. Tristar Glass, Inc., Kely Ransom, Paul Sullivan, John D. Williams, Lora Cloyd, Blake Neafus, and Kevin Livingston*, Case No. 05 CV 300T CK-PJC, N.D. OK.
- *NetRatings, Inc. v. Visual Sciences, LLC*, Civil Action No. 2:05-CV-349, E.D. VA.
- *Guardian Industries Corp., et al. v. AFG Industries, Inc.*, Case No. 03-73722, E.D. Mi.
- *Merck and Company, Inc. v. Mylan Pharmaceuticals, Inc.*, Civil Action No. 03-CV-1953 (NRW), S.D. N.Y.
- *NaPro BioTherapeutics, Inc. and Abbott Laboratories v. Mylan Laboratories, Inc. et al.*, Civil Action No. 01-CV-1048, W.D. Pa.
- *Abbott Laboratories v. City of Hope*, Civil Action No. 00 C7970, N.D. Ill.
- *Victor Yodaiken and Finite State Machine Labs, Inc. v. Lineo, Inc.*, C.A. No. 01417, D.Del.
- *Techsearch, LLC v. ESchool.com, Inc., et al.*, Civil Action No. H-01-126, S.D. Tx.

- *Dr. Bradley S. Fordham v. Onesoft Corporation, et al.*, Civil Action No. 00-1078-A, E.D. Va. *Inline Software Corporation v. Tendril Software Inc.*, C.A. No. 00-213, D. Del.
- *General Signal Power Systems, Inc. v. American Power Conversion Corp.*, Civil Action No. 99-C-0510-S, W.D. Wis.
- *Chantal Cookware Corp. v. Vitrex Gourmet Corp., et al.*, Civil Action No. H-97-3978, S.D. Tx.
- *Hockerson-Halberstadt, Inc. v. Nike, Inc., et al.*, Civil Action No. 91-1720, E.D. La.
- *Neles-Jamesbury, Inc. v. Fisher Controls International, Inc. and Fisher Service Company*, C.A. No. 94-40200-NMG, D. Mass.
- *Catalina Marketing International, Inc. v. Credit Verification Corporation*, Civil Action No. 98-4135-SAC, D. Kan.
- *Credit Verification Corporation v. Catalina Marketing International, Inc. and Catalina Marketing Corporation*, Civil Action No. 198-CV-1072C, N.D. Tx.
- *Mitsubishi Chemical America, Inc. and Mitsubishi Chemical Corporation v. AEG Elektrofotografie GmbH*, Civil Action No. 2:98cv483, E.D. Va.
- *Foam Innovations, Inc. v. Truly Nolan of America*, No. CV-95-8857 JGD (RNBx), C.D. Calif.
- *Glaxo Wellcome, Inc., et al. v. Geneva Pharmaceuticals, Inc., et al.*, Civil Action No. 94-1921 and 94-4589 (NHP), D. N.J.
- *In Re Recombinant DNA Technology Patent and Contract Litigation*, MDL Docket No. 912, and *The Regents of the University Of California v. Eli Lilly and Company*, Civil Action No. IP-92-224-C, S.D.Ind.
- *Personal Computer Peripherals Corp. v. Arcada Software, Inc. et al.*, Civil Action No. 95-301-SLR, D.Del.
- *Interchem Corporation and Orion Corporation Fermion v. Marion Merrell Dow Inc. and Tanabe Seiyaku Co., Ltd.*, Civil Action No. 93-427 (DRD), D. N.J.
- *Scitex America Corp. and Printing Technologies Associates, Inc. v. Aldus Corporation and V.I.P. Systems, Inc.*, Civil Action No. 94-214-A, E.D. Va.
- *Kuhn, S.A. v. Allied Products Corporation*, Civil Action No. 3:91-CV-7098, N.D. Oh.
- *PPG Industries, Inc. v. AFG Industries, Inc. and Gemtron Corporation*, Civil Action No. IP92-1401 C, S.D. Ind.

State Court

- *Minilec Services, Inc., Richard J. Helferich, and Martin A. Schwartz v. Motorola, Inc.*, Court of Chancery, State of Delaware in and for New Castle County, C.A. 19958

Section 337 Actions Before The International Trade Commission

- *In The Matter Of Certain Organic Photoconductor Drums And Products Containing The Same*, Investigation No. 337-TA-411
- *In The Matter Of Certain Salinomycin Biomass And Preparations Containing Same*, Investigation No.: 337-TA-370
- *In The Matter of Certain Diltiazem Hydrochloride and Diltiazem Preparations*, Investigation No.337-TA-349

Patent Interference Proceedings Before The U.S. Patent And Trademark Office

- *Cording v. Richardson et al.*, Interference No. 105,224
- *Uddenfeldt v. Sainton, et al.*, Interference No. 105,076
- *Christ et al. v. Blake*, Interference No. 103,434 and No. 103,435
- *Kawaguchi V. Kelly et al.*, Interference No. 103,063
- *Davidson et al. v. Cannon v. Goodman v. Buckley et al.*, Interference No. 102,872
- *English et al. v. Toedter*, Interference No. 102,473
- *Helferich v. Bennett et al.*, Interference No. 102,558

Arbitration Proceedings Before The American Arbitration Association

- *AFG Industries, Inc. v. TruSeal Technologies*
- *Fitness MX.com Inc. v. Unibex, Inc.*, Case No. 16 117 00444 01
- *Vivus, Inc. v. AndroSolutions, Inc.*, Case No. 51 E 161 00437 00