

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Application for Mediators

Please complete the entire application, using additional paper if necessary. You may also attach a resume.

Name: William H. Needle

Firm or Office Name: Ballard Spahr LLC

Office Address: 999 Peachtree Street, Suite 1000
Atlanta, Georgia 30309

Office Phone: 678-420-9320 Office Fax: 678-420-9301

E-mail Address: needlew@ballardspahr.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: NA I.D. No.: NA

Date admitted to the South Carolina Bar: NA Bar No.: NA

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):
Georgia, 1970, Bar No. 536400

Membership and positions held in bar, ADR and professional associations:

Chair, Patent, Trademark and Copyright Section of the State Bar of Georgia; Founding Board member and Co-Chair of the IP Section of the Atlanta Bar Association (2007-2008); neutral panel member with JAMS; Master, Atlanta IP Inn of Court

Are you a member in good standing in each jurisdiction where admitted to practice law? yes no

Have you, within the last five years, been publicly reprimanded or publicly disciplined for professional conduct?
 yes no

Have you, within the last five years, been denied admission to a bar for character or ethical reasons, or been disbarred/suspended from the practice of law? yes no

EDUCATION

Year law degree received 1970 Law School Emory University School of Law

Other professional degrees received (including year and school):

B.S. in Chemistry, Georgia Institute of Technology (1967)

LEGAL EXPERIENCE (A minimum of five years of law practice required)

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:

I have practiced exclusively in the areas of patent, trademark, copyright, trade secret and licensing law and IP litigation for over 43 years, starting in 1970 as an associate and then partner with Newton, Hopkins & Ormsby, the first IP boutique in Atlanta. On June 1, 1983, I founded the IP law firm of Needle & Rosenberg, P.C. which merged into Ballard Spahr LLC on June 1, 2008, a general practice law firm where I was the initial Chair of the firm's IP Department until June, 2012 and where I remain a partner. I have been a registered patent attorney since 1972. I was an Adjunct Professor of law at the following schools: Emory University School of Law (IP Law, Patent Law and Licensing Law -1983-2009); Georgia State University College of Law (Patent Law - 1991-2011); Charleston School of Law (IP Law - 2006); and the University of Georgia School of Law (Patent Law - 1985-1987).

Percentage of practice in last 5 years representing plaintiff 70 % or defense 30 %

Percentage of Federal or State court practice in last 5 years: Federal 100 % State %

Number of years engaged in active litigation: 43

EXPERTISE

Indicate all substantive areas in which you have expertise. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have expertise. (Do not rank beyond "1" and "2.") After any category you have marked, please identify any sub-areas of expertise you have (e.g. "medical malpractice" after Personal Injury).

<input type="checkbox"/> Admiralty	<input type="checkbox"/> Security or Shareholders suits
<input type="checkbox"/> Antitrust	<input type="checkbox"/> Labor
<input checked="" type="checkbox"/> <u>1</u> Contracts	<input type="checkbox"/> ERISA
<input type="checkbox"/> Environment	<input type="checkbox"/> Wrongful Termination
<input type="checkbox"/> Fraud or Civil RICO	<input type="checkbox"/> Civil Rights in Employment
<input type="checkbox"/> Insurance	<input type="checkbox"/> Other Civil Rights
<input type="checkbox"/> Miller Act	<input checked="" type="checkbox"/> <u>1</u> Copyrights
<input type="checkbox"/> Personal Injury	<input checked="" type="checkbox"/> <u>1</u> Patent
<input type="checkbox"/> Product Liability	<input checked="" type="checkbox"/> <u>1</u> Trademark
<input checked="" type="checkbox"/> <u>1</u> Other (specify) <u>Trade Secrets</u>	

Publications: _____

Co-author of the article "IP: An Arbitration Award May Not be the End of the Road in Patent Disputes", InsideCounsel.com, April 30, 2013; author of the "Trademark Law" chapter in the Association of Technology Managers' "Technology Transfer Practice Manual" (3d ed.), which was edited and updated in "Intellectual Property Management in Health and Agricultural Innovation" (2007).

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): _____

Since 1995, I have served as a mediator in numerous intellectual property disputes involving patents covering diverse technologies, trademarks (including deceptive trade practices, counterfeit goods, cybersquatting and dilution), copyrights (including product packaging and software programs), theft of trade secrets and breaches of licensing and software development agreements.

Other courts or organizations for whom you serve as a mediator (please note any certifications):

JAMS

Number of mediations conducted: 40 Number of other ADR sessions conducted: 10

MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
AAA	Chairing an Arbitration Panel	2006	Atlanta	
JAMS	Mediation	2006	New York	
JAMS	Special Master/Referee Workshop	2006	Atlanta	
JAMS	International Arbitration	2013	Atlanta	

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution in the District of South Carolina? yes no

Other relevant experience or skills or other information you would like considered in connection with this application:

I am an effective IP mediator and arbitrator with a unique combination of attributes and background, including my 43 years of expertise in IP matters, communication skills honed through 29 years of managing my own IP boutique and later chairing Ballard Spahr's IP Department, over 20 years' service as an adjunct professor at several law schools in Georgia and South Carolina and my experience in advising clients regarding their developing alternative business solutions. Additionally, I have been appointed as a Special Master in several patent infringement actions in the NDGa. I was the mediator in 2 South Carolina District Court cases: Case Nos. 3:04-cv-00320-CMC (patent) and 6:06-cv-00293-MGL (trademark). Also, I was appointed by Judge William S. Duffey, Jr. (NDGa.) as the Chair of the committee that recently drafted model trademark jury instructions for the 11th Circuit Court of Appeals and was a member of the committee that drafted the Local Rules of Practice for Patent Cases before the NDGa.

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence
Other throughout South Carolina

Fees charged:

Hourly Rate: \$ 650.00 Minimum charge each mediation: \$ No minimum charge, other than JAMS' admin. fee

How do you bill for travel? (explain):
Bill 1/2 of any travel time, plus expenses.

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if ordered by the Court; (3) Notify the Alternative Dispute Resolution Program Director of any change in the above facts or otherwise in my ability to perform duties as a mediator; (4) Disclosure of information contained in this application to litigants and other members of the public.

I certify that the foregoing is true and correct.

Signature: William D. Needle Date: 9-4-13
Applicant

Return completed application to:
Danny H. Mullis, Director
Alternative Dispute Resolution Program
United States District Court
Post Office Box 835
Charleston, SC 29402-0835

Reviewed: Danny H. Mullis Date: 9/10/13
ADR Program

Approved: W.S. Duffey Date: 9/10/13
U.S. District Judge

Attorney Profile

Practice Areas

- ADR
- Intellectual Property
- Trademarks
- IP Litigation
- Patents
- Copyrights
- Trade Secrets
- Licensing

Education

- Emory University School of Law, J.D., 1970
- Georgia Institute of Technology, B.S. Chemistry, 1967

Admitted To Practice

- Georgia, 1970



William H. Needle

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Suite 1000

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William H. Needle is a registered patent attorney who has been exclusively practicing all aspects of Intellectual Property law for 43 years. Mr. Needle began his legal career at the first IP boutique firm in Atlanta (Newton, Hopkins & Ormsby) from 1970-1983. He then founded the IP boutique Needle & Rosenberg which, in 2008, merged into Ballard Spahr LLP. He served as the first Chair of Ballard Spahr's Intellectual Property Department until July 1, 2012 and remains a partner in the firm.

Alternative Dispute Resolution Experience

Mr. Needle is an alternative dispute resolution JAMS Neutral Panel Member. Since 1995, Mr. Needle has been mediating and arbitrating cases dealing with a wide array of intellectual property matters.

Mr. Needle is an effective IP mediator and arbitrator with a unique combination of attributes and background, including his expertise in the subject matter, communication skills honed through 29 years of managing his own firm and later chairing Ballard Spahr's IP Department, over 20 years' service as a law school adjunct professor at several law schools and his experience in developing alternative business solutions for his clients.

His ADR experience includes:

Mediation

- Patent infringement in such arts as printed electronic wiring boards, road-working machines, long distance calling cards, mining equipment and fishing line;
- Trademark infringement, deceptive trade practices, counterfeit goods, cybersquatting and dilution, with such diverse matters as a name dispute between two universities and trademark infringement involving dietary supplements;
- Copyright infringement cases involving product packaging and software programs;
- Breach of contracts, including software purchase agreements and patent and trademark licensing agreements; and

- Misappropriation of trade secrets, including those associated with an energy accounting and scheduling system.

Arbitration

- Current Chair of an arbitration panel which has issued a Markman Order on patent claims directed to a mining process and apparatus;
- Arbitrator in a matter involving theft of trade secrets and claims under the Securities Act for breach of fiduciary duties; and
- Former Chair of an arbitration panel which dealt with the validity and infringement of several patents relating to beverage containers.

Special Master

Mr. Needle has been appointed by federal judges to serve as a Special Master in several patent infringement cases, including one in which his recommendations on validity and infringement of the patents-in-suit were adopted by the Judge and affirmed by the Federal Circuit which referred to the “thorough and exhaustive recommendations of the special master.”

Other Notable Experience

- His litigation experience includes being counsel in the copyright and trademark litigation for the CABBAGE PATCH KIDS® dolls and in infringement cases involving the VIDALIA® onion trademark on behalf of the State of Georgia, as well as patent infringement actions involving diverse technologies. Mr. Needle has served as a Special Assistant Attorney General for the State of Georgia for intellectual property law issues for more than 30 years.
- Mr. Needle was the Chair of the committee that recently drafted model trademark jury instructions for the 11th Circuit Court of Appeals. He was appointed by Judge William S. Duffey, U.S. District Court for the Northern District of Georgia.
- During 2003 – 2004, he was also a member of the committee that drafted the Local Rules of Practice for Patent Cases before the U.S. District Court for the Northern District of Georgia.

Awards and Recognition

Since 2003, Mr. Needle has annually received the highest ranking as a first-tier intellectual property attorney in Georgia in *Chambers USA: America's Leading Business Lawyers* where he has been referred to:

- As being “widely recognized as a leader in dispute resolution. He has extensive experience across patent, trademark and copyright litigation, and is sought after as a mediator and arbitrator” (2011 Edition); and
- As “an expert in patent, trademark, copyright, and trade secret law, as well as an active teacher on the subject, with adjunct professorships at two universities.” (2010 Edition).

Named a Georgia “*Super Lawyer*” annually since 2004.

Founding Board Member and Co-Chair, IP Law Section of the Atlanta Bar Association, 2007-2008.

Fellow, Lawyers Foundation of the State Bar of Georgia.

Named an “IP Star” by *Managing Intellectual Property* magazine, April 2013.

Selected as a leading patent practitioner, *LAM Patent 1000: The World's Leading Patent Practitioners, 2013* (“Dean of the Georgia bar” whose “outstanding contributions in the filed have been hugely influential in shaping the state's patent community.”)

His peers in the legal community have voted him one of *Georgia Trend* magazine’s Legal Elite annually since 2003.

Listed by *The Best Lawyers in America* in the areas of intellectual property law, patent law and trademark law since 1991.

Member of the Academy of Court Appointed Masters

Mr. Needle is also a certified “Memphis in May” barbecue judge.

Professional Activities

- Founding Board Member and Co-Chair, IP Law Section of the Atlanta Bar Association (2007-2008).
- Master, Atlanta Intellectual Property Inn of Court (since 2010).

Teaching Positions (Adjunct Professor)

- Patent Law (1983-1997) and Licensing Law (1998-2009), Emory University School of Law.
- Patent Law, Georgia State University School of Law (1991-2011).
- Intellectual Property Law, Charleston School of Law (2006).

Advisory Boards

- The Technological Innovation: Generating Economic Results (TI:GER®), a collaborative program of teams comprising Georgia Tech PhD and MBA students and Emory Law School students to launch science and engineering technology into real-world commercial applications (since 2006).
- College of Sciences, Georgia Institute of Technology (since 2005).
- School of Chemistry and Biochemistry, Georgia Institute of Technology (since 2008).
- School of Biomedical Engineering, University of Alabama at Birmingham (since 2005).

Publications

- Co-author, "An Arbitration Award May Not be the End of the Road in Patent Litigation", *InsideCounsel.com*, April, 2013.
- "Trademark Law" Chapter in *Association of Technology Managers Technology Transfer Practice Manual*, 3rd edition, which was edited and updated in *Intellectual Property Management in Health and Agricultural Innovation*, 2007.