

# Foreword

As experienced litigators, ADR neutrals, and evaluators in IP and technology disputes, and for Neil as also a former Administrative Patent Judge of the PTO Board of Patent Appeals and Interferences, we are pleased to have had the opportunity to review this second edition of Harrie Samaras's thought-provoking and instructive book. It tackles effective advocacy, strategies, and practices in using alternative dispute resolution in intellectual property and technology cases.

Harrie is the perfect author and editor for this work. She has done it all. Harrie is an experienced and well-credentialed mediator, arbitrator, and evaluator in U.S. and international IP and technology cases. Also, she has litigated, and managed the litigation of, these kinds of cases as both outside counsel and in-house counsel for U.S. and multi-national companies. As in-house counsel in particular, Harrie has had the opportunity to educate and prepare clients for ADR processes, addressing their needs and frustrations regarding the processes. She knows the issues and topics to cover and, for this book, she has tapped the collective wisdom of ADR neutrals, attorneys (outside and in-house), judges, and academics experienced in ADR processes.

In the first edition, the contributing authors covered a lot of ground from the perspectives of the client, outside counsel, and the neutral. This second edition continues that theme, adding new and significantly updated chapters addressing the topics of: drafting ADR clauses; initial damages assessments; advocacy in mediation; arbitrating IP and technology cases; advocacy in UDRP cases; and the use of special masters in IP cases. *ADR Advocacy, Strategies, and Practices for Intellectual Property and Technology Cases* recognizes the importance of having core competencies in representing clients in ADR proceedings involving IP and technology issues, and it is instructive to its broad audience in how to achieve those competencies. We know from our own experiences that being IP practitioners and trial attorneys for many years does not automatically qualify one to represent clients effectively in ADR processes. Attorneys have to assume the responsibility for educating themselves and for gaining the requisite experience in effective practices, strategies, and advocacy, just as they have done in their IP practices. This book is an excellent resource for doing so. It is a practical guide for attorneys (in-house or

outside) who represent clients in ADR processes as well as for counsel who do not regularly do so. It is also a resource for transactional attorneys who draft and negotiate pre-dispute resolution clauses and for mediators and arbitrators who practice in the IP/technology arena.

We were pleased to have had the opportunity to review this book, because it gave us the opportunity to read it from cover to cover. But more than that, we learned a great deal about ADR practice; procedure; and mediation, arbitration, and evaluation skills; which we will continue to find valuable in our own ADR practices.

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