

Maurice L. Zilber, Esq.
Attorney-Mediator-Arbitrator

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OVERVIEW:

Mr. Zilber has had 40 years of business and intellectual property law experience through his practice with the Boston law firm of Peabody and Brown (now Nixon Peabody LLP), and is now devoting significant time as an arbitrator and mediator. From 1983 to 1995 he served as Managing Partner and Chair of Peabody & Brown's Executive Committee. During his tenure, the firm grew from 45 lawyers in Boston to 125 lawyers in Boston, Washington, Providence and Manchester, NH. Based on that experience, he has consulted with numerous law and accounting firms on practice management issues. He also served as Chair of the Intellectual Property and Technology Group of the firm from 1995 to 1997.

Mr. Zilber has represented public and privately held computer hardware and software companies as well as companies in the biotech, semi-conductor manufacturing systems, opto-electronic, ocean power, waste to energy and materials recycling industries. He has also represented authors, publishers and entertainers and had an extensive public utility practice involving licensing, siting, rate, environmental, conservation-load management programs, deregulation and anti-trust issues for several electric public utilities.

He has extensive experience in copyright, trademark, trade secret, patent licensing and character licensing matters, including character licensing for PBS's number one children's program.

Mr. Zilber's business law experience ranged from venture capital, public offering and secured lending financing; research and development, requirements and distribution agreements; executive employment agreements and benefit plans; and mergers and acquisitions.

Mr. Zilber has over 25 year's experience as an arbitrator and mediator. He serves as a member of the American Arbitration Association's Large Complex Case, California Energy, Northern California High Technology, National Technology and International Dispute Panels, serves on the panel of mediators for the California Court of Appeals, First Appellate District Mediation Program, is a member of the Mediation Society of San Francisco, a Fellow of the College of Commercial Arbitrators and serves on the Board of Directors and as Treasurer of the California Dispute Resolution Council.

Mr. Zilber was a founding Director and Chair of the Legal Affairs Committee of the Massachusetts Interactive Media Council (“MIMC”) and served as counsel to the Massachusetts Computer Software Council (“MCSC”) for several years.

Education:

JD with honors. Harvard Law School, 1963

AB with honors (Mathematics) University of Michigan, 1960

Professional Licenses:

Admitted to the Bar in Ohio 1963; Massachusetts, 1964; California, 1998; U.S. District Court, District of Massachusetts, 1995; U.S. Court of Appeals: District of Columbia (1968) and First (1965) Circuits.

Professional Associations:

American Bar Association (Dispute Resolution, Intellectual Property Law and Business Law Sections); Boston Bar Association: past chair, Law and Technology Committee; Computer Law Association; State Bar of California (Intellectual Property, Business Law and Law Practice & Technology Sections); Bar Association of San Francisco (Dispute Resolution and Intellectual Property Sections, Chair, Arbitration Committee); Mediation Society (San Francisco); California Dispute Resolution Council, Director and Treasurer; College of Commercial Arbitrators.

Teaching, Publications and Lectures:

Mr. Zilber is an Adjunct Professor of Law at Golden Gate University School of Law, teaching classes in Business Planning and the Business of the Practice of Law.

“Corporate Tender Offers for Their Own Stock, Legal and Financial Considerations”
UNIVERSITY OF CINCINNATI LAW REVIEW, Vol. 13, p. 1, 1964

Mr. Zilber has lectured on computer and multi-media law topics, corporate law, ADR and law firm management issues for American Bar Association-American Legal Institute, American Arbitration Association, Massachusetts Bar Association, Massachusetts Continuing Legal Education, Massachusetts Computer Software Council, Massachusetts Interactive Media Council, the Bar of San Francisco Intellectual Property, Arbitration and Mediation Committees, Marin Bar Association, the Mediation Society and Joel Rose Associates.

Alternative Dispute Resolution Experience:

Arbitrated over 160 commercial and consumer disputes in a wide range of matters including:

- a dispute between engineering design firm and manufacturer over breach of design-build agreement for process equipment;
- trademark license dispute between licensor and licensee over compliance with and termination of license agreement;
- dispute between an American veterinary testing equipment company and a Swiss distribution company with respect to development and exclusive distribution agreement;
- dispute between United Arab Emirate purchaser of U.S. hardware /software subsidiary of an Israeli corporation over breaches of warranties;
- dispute between governmental agency and service provider over termination of services agreement for alleged breaches;
- dispute between U.S. software supplier and Swiss distributor over termination of distribution arrangements;
- dispute between patent licensor and licensee over breaches of patent license and alleged fraud;
- dispute between a German manufacturer and a U.S. university over a patent license;
- dispute between a software company and a major medical laboratory over breaches of license agreements and alleged copyright infringements;
- a dispute between a Japanese manufacturer and a U.S. OEM over breach of warranties;
- disputes between a life insurance company and its policyholders over sales practices
- dispute between a public utility and its fuel provider over a long-term fuel contract;
- dispute between a public utility and a Qualified Facility over a power supply agreement;
- dispute between a limited partner and a general partner of several limited partnerships over access to a mailing list of limited partners for purposes of making a tender offer;
- dispute between a founder/inventor and a company over rights to patents assigned to the company.
- dispute between a software developer and an original equipment manufacturer over testing equipment license fees.
- dispute between a software company and a distributor/plugin developer over issues relating to a preferred publisher agreement.
- dispute between a tele-communications component manufacturer and a customer/competitor over a requirements agreement with an anti-trust counterclaim.
- dispute between a software company and a quasi-public entity over alleged breaches of software license agreement.
- Dispute between two software companies over alleged breaches of a settlement agreement arising out of a misappropriation of trade secret lawsuit.
- Dispute between a software company and a medical laboratory corporation over alleged breaches of a software license agreement.

Mr. Zilber has mediated disputes relating to software development, sales representation agreements, rights to a copyrighted product design, zoning violations, real estate loans and purchase and sale agreements.

Alternative Dispute Resolution Training:

Mr. Zilber has participated in a variety of arbitrator training programs since 1992 including the AAA's Securities Arbitration training, International Arbitrator training, Commercial Arbitrator I and II trainings, and workshops for the Large Complex Case Program, and International Arbitration conferences sponsored by the London Court of International Arbitration, The Chartered Institute of Arbitrators and the International Chamber of Commerce. . He took formal mediation training required for mediator confidentiality in Massachusetts in early 1995, and in 1998, took the Commercial Mediator Training required by the American Arbitration Association to remain a member of their mediator panel. In 1999, he participated in the World Intellectual Property Organization's Workshop for Mediators in Intellectual Property Disputes. In February 2000, he participated in Appellate Mediation Training sponsored by the California Court of Appeal, First Appellate Division and completed Advanced Appellate Mediation Training for the Court in spring, 2003.