

## Speaker Biography



### **Robert S. Frank, Jr.**

Bob Frank is the former Managing Partner and Chairman of Choate as well as a former member of the firm's Executive Committee.

Mr. Frank is listed in *Chambers USA*, *Best Lawyers in America*, *Massachusetts Super Lawyer* and *PLC - Which Lawyer* for Intellectual Property.

### **Practice Focus**

**Litigation:** commercial, intellectual, antitrust and varied business disputes

### **Representative Trial Engagements**

- Lead counsel for Akamai Technologies in patent infringement case involving the delivery of Internet content. After a three week trial, the jury returned a verdict in favor of Akamai in the amount of more than \$45 million.  
*Akamai Technologies v. Limelight Networks, D Mass*
- Lead counsel for Data General in copyright infringement/trade secret misappropriation/antitrust case. The case was tried to jury for nine weeks and resulted in a judgment for Data General in the amount of \$52.4 million. The judgment was affirmed on appeal.  
*Data General Corporation v. Grumman Systems Support Corporation, D Mass*
- Represented Eastman Kodak in what was then the largest patent infringement case in history of the United States. He was responsible for Kodak's successful defense against Polaroid's claim that Kodak willfully infringed seven Polaroid patents. Kodak's potential exposure with respect to this claim was \$8 billion.  
*Polaroid Corporation v. Eastman Kodak Company, D Mass*

### **Representative Appellate Engagements**

(In Cases Tried by Others)

- Represented affiliates of Hartford Insurance Group in appeal of case in which thirty-four British and continental European reinsurers alleged that they were induced by fraud to enter certain reinsurance treaties. The case presented a variety of insurance, contract and fraud issues. The reinsurers had prevailed at trial. Mr. Frank obtained a reversal of the trial court's decision. \$106 million was at issue.  
*Compagnie de Reassurance D'ile De France v. New England Reinsurance Company, First Circuit*
- Represented Clare Inc. in breach of contract case arising out of unsuccessful ASIC development project. \$36 million jury verdict reversed.  
*Lojack Corp. v. Clare Inc., DMass*
- Represented Powerscreen Inc. in a patent infringement appeal. \$34 million jury verdict reversed.  
*Read v. Powerscreen Inc., Federal Circuit*

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## **Representative Clients**

- Hewlett-Packard Co.- patent infringement litigation regarding imaging technology and document management technology; antitrust litigation regarding alleged agreement not to compete.
- EMC Corporation- copyright infringement and trade secret misappropriation actions (one involving diagnostics software, another involving document management systems, breach of contract action arising from a component acquisition agreement).
- Cabot Corporation- litigation regarding rights under \$300 million Supply Agreement; litigation against Puerto Rico Electric Power Authority over its obligation to engage in competitive bidding
- Voice Signal Technologies- speech recognition patent and trade secret litigation
- Adobe Systems, Inc- internet patent litigation
- AIG- multiple appeals of adverse lower court decisions involving responsibility for cost of defense, alleged bad faith settlement practices and patent infringement
- Wyeth- contract litigation involving recombinant proteins
- John Hancock Life Insurance Co- appeal relating to rights under ERISA Plan
- Harvard University- contract and biotechnology patent infringement action
- Hartford Insurance Group- reinsurance litigation not described above
- Dana Farber Cancer Institute- biotechnology patent litigation, negotiation of Dana Farber/Partners Cancer Center joint venture
- Teradyne, Inc- computer hardware patent litigation
- FileNet Corporation- computer software patent litigation
- New Japan Radio Corp- litigation under the semiconductor Chip Protection Act
- Computer Associates International, Inc- securities fraud, employee non-compete and trade secret litigation
- Eisai Company Limited- pharmaceutical patent litigation
- General Electric Co- water purification patent litigation
- Transkaryotic Therapies, Inc- biotechnology patent litigation
- Phillips North America Corp- false advertising litigation

Mr. Frank has been an active participant in his community of Winchester, Massachusetts, serving as a member of the Winchester Town Meeting since 1979. He has also served as chairman of the Winchester School Committee and the Winchester Finance Committee.

Mr. Frank is a Fellow of the American College of Trial Lawyers and a member of the American Bar Association and the Boston Bar Association.