

## Sherman W. Kahn

Attorney at Law • Partner

### let's connect

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New York

### education

- B.A., University of California, Berkeley
- J.D., University of California, Berkeley, School of Law

### expertise

Technology Litigation • International Arbitration • Commercial Arbitration • Patent Litigation • Commercial Litigation • Copyright & Trademark Litigation • Data Security & Privacy • International Practice



Sherman has more than twenty years of experience with litigation and counseling in matters raising complex technological issues. He has litigated dozens of patent cases as well as handled other litigation involving technological issues such as computer copyright, trade secrets, and IT outsourcing disputes. He also has experience litigating “soft-IP” issues such as trademark and copyright.

Sherman’s practice is international. He practiced in Tokyo for five years. During that time, he was licensed as a *gaikokuho jimusho* and a member of the Dai-Ni Tokyo Bar Association.

Sherman has litigated patent matters involving technologies such as programmable logic devices, microprocessors and controllers, memory devices, construction equipment, medical devices, biotechnology, supercomputers, LCD & PDP display devices, LED Lighting, various computer software products, and networking technologies.

Sherman advises clients regarding information security and privacy issues for compliance and in privacy-related regulatory proceedings and litigation. He has represented clients in numerous FTC and state attorney general investigations of privacy and information security practices.

Sherman acts as an arbitrator and represents clients in international arbitration proceedings presenting complex technical and commercial issues and has arbitrated under the AAA, JCAA, ICC, and other arbitration and dispute resolution rules. The subject matter of these arbitrations has ranged from patent and trademark issues to IT outsourcing, construction, mining, and commercial issues. He provides advice regarding clause drafting and pre-dispute issues in connection with major construction and infrastructure projects. He also provides advice to clients regarding the structure of investments with respect to arbitration pursuant to bilateral investment treaties.

Sherman also acts as a mediator and assists counsel and parties with resolving complex technology disputes and other commercial issues.



### my focus

Arbitration & Mediation

Artificial Intelligence

Biotechnology

Complex Business Litigation

Computers & Databases

Consumer Goods & Services

Copyright Enforcement & Litigation

Domain Name Disputes

Electric Systems	Financial Services & eCommerce	Intellectual Property Licensing & Transactions	International Arbitration
Life Sciences	Manufacturing	Medical Devices	Networking & Wireless Technology
Optical Technology	Outdoor Recreation & Sporting Goods	Patent Litigation	Pharmaceutical
Semiconductor	Software	Technology Transactions and Data Privacy and Security Compliance	Telecommunications
Trade Secret & Unfair Competition Enforcement & Litigation	Trademark & Trade Dress Infringement Enforcement & Litigation		

## representative matters

- On trial team for high-profile plasma display case in the Eastern District of Texas leading to a jury verdict of approximately \$60 million in favor of client.
- Obtained favorable settlement for defendant in patent litigation regarding video-conferencing.
- Defended numerous patent suits against non-practicing entities.
- Obtained stay in Eastern District of Texas pending Inter-partes reexamination leading to cancellation of all claims
- Defended Internet company against RICO and trademark claims in major international dispute
- Successfully dissolved temporary restraining order in case alleging trademark piracy and obtained favorable settlement for client
- Litigated IT contract matter to favorable settlement
- Secured favorable settlement for a European client on eve of arbitration hearing in a contract dispute against a major U.S. computer manufacturer.
- Obtained multi-million-dollar arbitration award for an international mining company against a major U.S.-based contractor
- Obtained favorable settlement in international arbitration regarding a consortium agreement in connection with construction of a steel mill in South America
- Acted as arbitrator in numerous matters including commercial, IT outsourcing, software development and patent licensing disputes.

## professional admissions & associations

- New York State Bar
- State Bar of California
- DC Bar
- Member, International Arbitration Club of New York
- Member, CPR Institute Arbitration Committee
- Co-Chair Technology Committee, New York International Arbitration Center
- Director, member Tech-List, Silicon Valley Arbitration and Mediation Center
- Director, New York International Arbitration Center
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Fellow, College of Commercial Arbitrators
- ICDR Panel of Arbitrators,
- AAA Roster of Commercial Arbitrators
- CPR Distinguished Panel of Neutrals
- Korean Commercial Arbitration Board (KCAB International) Panel of Arbitrators

## publications & presentations

### Publications

- Cybersecurity Ethics: Freedom to Ignore Cybersecurity Ethics is Not Free, CPR International Institute for Conflict Prevention & Resolution, Annual Meeting 2024
- Will Patents be the Next Wave in Investor-State Arbitration, New York Dispute Resolution Lawyer, Spring 2014, Vol. 6, No. 1.
- Practical Uses of ADR in Outsourcing Relationships, New York Dispute Resolution Lawyer, Spring 2011, Vol. 4, No. 1.
- Arbitration at the Supreme Court (2011 to 2012 Term), New York Dispute Resolution Lawyer, Fall 2012
- S. Kahn and D. Kiferbaum, Browsewrap Arbitration? Enforcing Arbitration Provisions in Online Terms of Service, New York Dispute Resolution Lawyer, Fall 2012
- S. Kahn, E-Discovery Demystified for Arbitrators – Tips For How to Manage e-Discovery for Efficient Proceedings, New York Dispute Resolution Lawyer, Spring 2012
- “Developments in Supreme Court Jurisprudence: The Court’s AT&T Decision and the Second Circuit’s Treatment of Stolt-Nielsen,” New York Dispute Resolution Lawyer, Fall 2011, Vol 4. No. 3
- “The Benefits of Mediation and Arbitration for Dispute Resolution in Intellectual Property Law,” New York Dispute Resolution Lawyer, Summer 2011, Vol. 4. No. 2
- “The Benefits of Mediation and Arbitration for Dispute Resolution in Outsourcing Agreements,” New York Dispute Resolution Lawyer, Summer 2011, Vol. 4. No. 2
- “Practical Uses of ADR in Outsourcing Relationships,” New York Dispute Resolution Lawyer, Spring 2011, Vol. 4. No. 1
- Balancing Discovery with EU Data Protection in International Arbitration Proceedings, New York Dispute Resolution Lawyer, Vol. 3, No. 1, Spring 2010

## **awards & recognition**

- New York Metro Super Lawyers 2007 – 2009, 2014 – 2024