



## Bart L. Kessel

### Partner

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Bart Kessel is a trial lawyer experienced in all types of business litigation, with particular expertise in representing clients with claims involving technology issues, including patents, copyrights, trademarks, and trade secrets.

Bart's technical education, as well as his prior work experience as a software designer in the aerospace industry, forms the basis for his unique ability to simplify complicated technical concepts for judges and juries. In addition to his business litigation practice, Bart routinely defends clients in class actions involving claims of unfair competition and unfair trade practices.

Over the past 25 years, Bart has defended and prosecuted hundreds of cases both in California and a dozen other states. He serves as regional trial counsel for many of his clients, and he has tried cases to verdict in New York, Louisiana, Pennsylvania, and Massachusetts, as well as in courts throughout California.

### Education

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- University of California Davis School of Law (J.D., 1986)
- Vanderbilt University (B.S. in Math and Electrical Engineering, cum laude, 1982)

### State Admissions

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- California, 1986

## Federal Admissions

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- Supreme Court of the United States
- United States Court of Federal Claims
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central District of California
- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California
- United States District Court, Northern District of Texas

## Service Areas

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- Business Litigation
- Class Action Litigation
- Construction
- Mass Tort & Product Liability
- Intellectual Property
- IP Litigation
- Fire Litigation
- Patent Litigation
- Copyright Law
- Health & Life Sciences

## Industries Represented

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- Aerospace Products
- Architectural & Engineering Firms
- Computer Systems Design
- Computers & Electronics
- Construction
- Internet Service Providers
- Semiconductors
- Software

## Experience

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### COMPLEX COMMERCIAL LITIGATION

- *International Elevator Equipment Manufacturer* – Lead trial counsel in matter pending before the China International Economic Trade Arbitration Commission that resulted in a multimillion-dollar award, which was enforced by attachment in California
- *National Manufacturer of Wind Turbine Equipment* – Lead trial counsel in matter pending before the International Arbitration Association in London, England, involving a multimillion-dollar dispute over the design of the turbine's gearbox and electronic controls
- *International Industrial Equipment Manufacturer* – National counsel in cases involving the design and operation of industrial air compressor equipment; trial counsel in two matters in the last four years where defense verdicts were obtained
- *International Financial Institution and Trust Company* – Lead trial counsel in a multimillion-dollar RICO case; obtained defense verdict after three-week jury trial
- *International Commercial and Industrial Refrigeration Manufacturer* – Lead trial counsel in class action in California involving unlicensed construction activity; obtained favorable settlement after motion to decertify putative class was granted
- *International Residential Heating Equipment Manufacturer* – Trial counsel and national coordinating counsel in class actions in four separate states alleging design and manufacturing defects in residential furnaces; all cases were resolved after class certification was denied in one of the jurisdictions

### CONSTRUCTION LITIGATION

- *International Manufacturer of Power Plant Equipment* – Lead trial counsel in a series of cases involving the design, construction, and operation of seven peaker power plants in California
- *International Architectural Firm* – Lead trial counsel in a multimillion-dollar delay claim involving the design and construction of an iconic sports facility
- *Regional Construction Company* – Trial counsel in six-week trial involving delay damage claims in the construction of an office center; trial verdict was less than 10 percent of the amount sought by the plaintiff
- *International Elevator Equipment Manufacturer* – Lead trial counsel in a variety of matters, including a multimillion-dollar dispute involving the retrofit of elevators in a residential condominium development and the expansion of an international airport terminal complex

### PATENT INFRINGEMENT LITIGATION

- *International Office Products Manufacturer* – Lead trial counsel in patent infringement dispute involving mechanical device; matter resolved favorably after two-week jury trial
- *International Sporting Equipment Manufacturer* – Lead trial counsel in design patent and trademark dispute; matter resolved after favorable ruling on motion for preliminary injunction
- *International Imaging Processing Software Developer* – Lead trial counsel in numerous software patent infringement disputes, many involving non-practicing entities and venued in the Eastern

District of Texas; obtained summary judgment on both infringement and invalidity in one of these matters that was pending in the Eastern District of Texas; used previous litigation success to resolve subsequent matters on favorable terms

- *International Electronic Component Manufacturer* – Lead trial counsel in action alleging patent infringement involving the semiconductor design; obtained order dismissing claims and awarding attorney's fees
- *International Amusement Park Supplier* – Lead trial counsel in patent infringement action involving pneumatic control systems; matter settled as the result of admissions obtained during the depositions of the plaintiff's experts
- *International Medical Device Manufacturer* – Lead trial counsel in patent infringement action in Massachusetts involving laser technology; matter settled after trial had begun

### **SOFTWARE LICENSING/COPYRIGHT LITIGATION**

- *National Information Technology Outsourcing Company* – Lead trial counsel in five matters venued in California, New York, and Massachusetts; obtained dismissals after trial or summary judgment motions in all five matters
- *International Enterprise Process Software Developer* – Lead trial counsel in software licensing dispute venued in federal court in New Orleans, Louisiana; obtained favorable jury verdict that was affirmed on appeal
- *International Imaging Processing Software Developer* – Lead trial counsel in software licensing dispute with federal governmental agency

### **Publications & Events**

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### **SPEAKING ENGAGEMENTS**

- "Some Assembly Required: Pricing, Valuation & Driving Efficiency," Chicago Law Leaders: A Midwest Forum on the Business of Law, Chicago, Illinois (November 2013)
- "How Law Firms Can Better Serve Their Corporate Clients – and Get and Keep Their Business," ABA Annual Meeting, San Francisco, California (August 2013)

### **PUBLICATIONS**

- "Pre-Litigation Management and Avoidance," Charles D. Gill, Jr., Joseph A. Santos, and Bart L. Kessel, in Chapter 2 of *Successful Partnering Between Inside and Outside Counsel* (Robert L. Haig ed., 2013)

### **In the Community**

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- Boy Scouts of America, San Gabriel Valley Council, Board of Directors and Past President (2005-2017)
- Special Commission on the Civil Disorder in Los Angeles (Webster Commission), Staff Member
- Federal Bar Association
- Court of Federal Claims Bar Association
- Los Angeles County Bar Association