



## Ralph A. Taylor, Jr.

COUNSEL

Ralph practices in the firm's Complex Litigation and Intellectual Property practice groups.



### Industries

#### Practices

Communications & Technology  
Complex Litigation  
Copyright  
International Arbitration & Dispute Resolution  
Tax & Wealth Planning  
Trademark  
Trade Secrets

#### Education

University of Virginia School of Law JD, Order of the Coif, Notes Editor - Virginia Law Review  
Princeton University BSE, honors in electrical engineering

### Offices

Washington, DC

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Ralph has more than 43 years of experience in complex intellectual property, technology, commercial, construction, tax, employment, administrative, and antitrust litigation before numerous state and federal courts, administrative agencies, and domestic and international arbitration tribunals.

His practice also includes litigation risk-management counseling and general counseling on alternative dispute resolution options and agreements. Ralph retired as an Arent Fox Partner effective December 31, 2017, but he continues to work with the firm and its clients as a Counsel.

### Client Work

In technology and intellectual property litigation, Ralph's representative work includes the following:

- Won dismissal in 2011, after years of state and federal court litigation, of a defendant client in 10 separate, but nearly identical, product liability cases brought against multiple defendants in the same court. The plaintiffs in each case allege they suffered brain cancer as a result of exposure to cell phone emissions. *Murray v. Motorola, Inc., et al.*, Case No. 8479-01 (DC Superior Court) is representative of all 10 cases. He is currently defending a cell phone manufacturer in 18 other product liability cases closely related to *Murray v. Motorola*.
- Successfully represented an international software company as plaintiff in a federal district court suit against a former licensee, a related company, and their owner for breach of license agreement, direct, contributory, and vicarious copyright infringement, and unfair competition.

- Won (in 2010) a multi-million dollar award, including attorneys' fees and costs, on behalf of a software and software services provider in an arbitration before the International Chamber of Commerce, International Court of Arbitration, in a case involving breach of a software license agreement by a Chinese joint venture company.
- Obtained a consent judgment for damages and injunctive relief for software copyright infringement, trade dress infringement, and breach of contract on behalf of plaintiff software developer. *Niksun, Inc. v. Intelica Networks, Inc. et al.*, No. 1:07-CV-707 (E.D.Va. 2007).
- Negotiated a favorable settlement of a novel trademark infringement case filed in Florida federal court alleging that the defendant client violated the Lanham Act and other laws by using plaintiffs' trademarks as keywords to trigger the appearance on a search engine's website of a client-sponsored advertisement (a "sponsored link").
- Won entry of a consent judgment, after defeating defendant's motion to dismiss, of an action filed in DC federal court on behalf of an international accounting firm alleging violations of the Computer Fraud and Abuse Act, breach of contract, theft of trade secrets, and breach of fiduciary duty by a former employee. *Deloitte & Touche v. Pesin*, No. 1:03-CV-675 (D.D.C. 2003).
- Won judgment, after trial, in favor of a famous international retailer in a groundbreaking *in rem* Anti-Cybersquatting Protection Act suit against 60 internet domain names registered by a South American entity purporting to have rights in the names registered. *Harrods, Limited v. Sixty Internet Domain Names*, 157 F. Supp.2d 658, (E.D.Va 2001). Represented that retailer in defendants' appeal of the trial court judgment to the US Court of Appeals which, in affirming the judgment in favor of the client, decided several legal issues of first impression nationwide. *Harrods, Limited v. Sixty Internet Domain Names*, 302 F.3d 214 (4th Cir. 2002). A 2002 survey of in-house and outside counsel reported, in *Intellectual Property Today*, voted the trial court decision to be among the top eight US trademark litigation matters decided in the past five years.
- Defended an international environmental consulting firm in a multi-million dollar software copyright and trademark infringement suit, brought in federal court in Texas, involving air quality modeling; the case was settled after the client defeated at trial plaintiff's request for a preliminary injunction. *Systems Applications International, Inc. v. APBI Environmental Sciences Group, Inc.* No. 1:96-CV-275-JRN (W.D. Tex., Austin Div. 1997).
- Defended an international management consulting company in a federal court suit (E.D.Va.) alleging, among other things, trademark infringement and unfair competition with respect to computer-generated graphics.
- Defended a hardware manufacturer in a patent infringement suit in Maryland federal court seeking declaratory and injunctive relief and damages with respect to electronic digitizers.
- Defended a software company in a trademark infringement and unfair competition suit brought in federal court in California seeking injunctive and monetary relief.
- Represented a professor and his university in two related software copyright infringement and breach of contract suits (in California as defendants and in Virginia as plaintiffs) involving claims for damages, declaratory relief, and an injunction.
- Represented an international bank in a trademark infringement suit for damages and injunctive relief in federal court in Colorado.
- Represented a national specialty retailer in numerous trademark disputes in federal court and before the Trademark Trial and Appeal Board.

Ralph's representative work in other areas includes the following:

- Currently representing a securities fraud victim as an interested party in parallel pending federal civil and criminal suits.
- Was a senior member of an Arent Fox litigation team that successfully represented an Indenture Trustee in a \$750 million suit against Caesars Entertainment Company in the US District Court for the Southern District of New York.
- Member of an Arent Fox litigation team that represented a bond insurer in the San Bernardino, CA and Detroit, MI municipal bankruptcy cases.
- Past and ongoing representations of hotels, commercial buildings, and large subsidized/affordable housing entities in challenges to their District of Columbia real property tax assessments or payments in lieu of taxes (PILOT).
- Represented several nonprofit entities in obtaining exemptions from District of Columbia real property taxation.
- Represented a taxpayer through trial and two appeals in obtaining reversal of a 12-year-old interpretation of a tax statute with respect to net operating loss deductions for partnerships. *School Street Associates Limited Partnership v. District of Columbia*, 764 A.2d 798 (DC 2001) (*en banc*).
- Represented a taxpayer in a DC Superior Court case rejecting the government's attempt, through statutory interpretation, to circumvent the administrative process for real property tax assessment appeals. *Omni Shoreham Corp. v. District of Columbia* (Tax Dkt. No. 7851-99, DC Superior Court)
- Obtained summary judgment for a taxpayer in a real property tax assessment case of first impression involving the timing of reassessments of real property taxes in the District of Columbia. *Omni Shoreham Corp. v. District of Columbia* (Tax Dkt. No. 7879-00, DC Superior Court).
- Obtained a favorable confidential settlement on behalf of a Maryland partnership in a DC Office of Administrative Hearings case of first impression against the District of Columbia involving the tax treatment of a multi-million dollar gain on the sale of the property of a DC unincorporated business that resulted in termination of that unincorporated business but not the termination of the partnership.
- Won dismissal on grounds of sovereign immunity of a lawsuit in federal district court in Pennsylvania against a foreign country.
- Won dismissal of a multi-million dollar commercial suit against the Kingdom of Sweden and Telia, A.B., a Swedish telephone company. *BPA International, Inc., et al., v. Kingdom of Sweden et al.*, 281 F. Supp.2d 73 (DC 2003).
- Won appeal seeking reversal of a federal trial court's entry of a multi-million dollar default judgment against two German corporations and their German owner, all of whom were unrepresented in the trial court and failed to respond to the suit against them; won dismissal against the companies' owner for lack of personal jurisdiction over him in the US. *Bonney v. Rolle*, 117 F.3d 1413 (4th Cir. 1997).
- Obtained judgment in favor of several US military personnel and their spouses in a lawsuit with respect to the hijacking of a TWA flight from Athens, Greece to Beirut, Lebanon, and the torture and beating of the plaintiff servicemen. *Carlson, et al. v. Islamic Republic of Iran, et al.*, 201 F. Supp.2d 78 (D.D.C. 2002). Represented these same clients in obtaining congressional legislation to make available assets of terrorist countries to satisfy judgments obtained against them.
- Represented, pro bono, a political refugee in an appeal to the United States Court of Appeals for the Fourth Circuit of a Board of Immigration Appeals order of removal (deportation) that raised several novel issues of statutory and Constitutional law; the matter was successfully resolved in favor of the client, who was allowed to remain in the US.

- Defended a national bank against claims asserted by eight former employees seeking payments pursuant to a change of control agreement. The claims were first filed in a multi-plaintiff state court action, but dismissal was obtained in favor of contractually mandated arbitration before the American Arbitration Association (AAA). Following briefing and a decision by the arbitrator that the AAA Commercial Rules, rather than the Employment Rules, governed the proceeding, each claimant's claims were individually and voluntarily mediated over a course of several weeks in a confidential JAMS mediation. All claimants ultimately settled in 2011.
- Successfully represented a large national corporation to prevent disclosure to a competitor, in federal court antitrust litigation between the competitor and the subject of a Federal Trade Commission (FTC) antitrust investigation, of the client's confidential business information provided to the FTC pursuant to a subpoena and an administrative confidentiality order issued in connection with the FTC's investigation.
- Won a decision on behalf of a financial institution in an AAA confidential arbitration proceeding upholding the validity and enforceability, under Virginia law, of an employment agreement provision prohibiting a former employee from soliciting former co-workers to work for another employer.
- Won summary judgment for a federal savings bank in a Uniform Commercial Code presentment warranty declaratory judgment case involving the sufficiency of evidence offered by a depository bank that alleged that a check presented to it for payment was altered. *Chevy Chase Bank, F.S.B. v. Wachovia Bank, N.A., et al.*, No. 1:04-CV-275 (E.D.Va. 2004). Won affirmance of that judgment on defendant's appeal to the US Court of Appeals. *Chevy Chase Bank, F.S.B., v. Wachovia Bank, N.A.*, No. 04-2569 (4th Cir. 2006), *rehearing and rehearing en banc denied* (2007).
- Represented a debtor in a multiparty bankruptcy court adversary proceeding involving the availability and amount of insurance coverage for multiple toxic tort claims that arose over a number of years with respect to various toxins. *Ameripol Synpol Corp. v. The Travelers Insurance Co., et al.*, Adv. Pro. 05-50864 (DE Bankr. 2007).
- Defended a multi-million dollar livestock company in a United States Department of Agriculture (USDA) administrative action seeking a substantial monetary penalty for alleged violations of a federal statute. The USDA complaint also raised the possibility of imposition of a 10-year suspension of the company's registration as a livestock dealer, which suspension was imposed under a prior USDA order but held in abeyance. The case was settled and the government terminated its prior 10-year suspension order.
- Successfully defended a federal savings bank in numerous employment discrimination and related cases brought over many years in state and federal courts in Maryland and Virginia. Representative cases include *Bunns v. Chevy Chase Bank, F.S.B.*, No. 3:06-CV-580 (E.D.Va. 2007); *Ngala v. Chevy Chase Bank, F.S.B.*, 945 F.Supp. 869 (D.Md. 1996); and *Gladhill v. Chevy Chase Bank, F.S.B.*, 2001 WL 894267 (Md. App.)
- Represented and advised a financial institution on matters and lawsuits involving, among other issues, vendor contracts, the Americans with Disabilities Act (ADA), and consumer claims brought against the institution.
- Represented clients in numerous real estate contract, construction, easement, and title disputes, and condominium breach of warranty and breach of fiduciary duty disputes.

## Professional Activities

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Since 1984, Ralph has been a long-time active member of the American Bar Association and its Section of Litigation. In August 2017 he completed service as a member of the ABA Standing Committee on the Federal Judiciary, which evaluates the qualifications of all candidates for nomination, by the President of the United States, to the federal bench (including the Supreme Court). The Committee's intensive peer-review process is structured to achieve impartial evaluations of each nominee's integrity, professional competence, and judicial temperament. The members of the Committee are appointed for staggered terms by the President of the ABA.

Ralph has also served as executive editor of *Litigation News* and co-chair of the Litigation Section's Committee Newsletters Committee. He served a three-year term as an elected member of the Litigation Section's Council (the governing body of the 77,000-member Section) and chair of the Council's Publications Committee. He also served as a member of the Section's Content Management Committee, which oversees the Section's committee newsletters and websites, and a member of the Section's Book Publishing Board. He was also a member of the Lexis/Nexis Advisory Board.

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## Pro Bono Activities

Ralph is actively involved in pro bono activities on behalf of underprivileged and unrepresented individuals and entities, including indigent tenants in landlord-tenant disputes. He also led an Arent Fox team fighting for health insurance coverage for low-income New Jersey children and their families. In October 2008, Arent Fox received the New Jersey Appleseed Public Interest Outstanding Law Firm of the Year Award for that work. In 2015, Arent Fox awarded Ralph the Marc Fleischaker Award for Outstanding Contributions to the Public Interest.

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## Publications, Presentations & Recognitions

Ralph is listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Super Lawyers*, and *Top Rated Lawyers* 2012 - present. He holds a *Martindale - Hubbell* AV® Preeminent™ 5.0 out of 5 Peer Review Rating.

Ralph's publications include:

- "License Agreement Dispute Resolution Provisions," *The Licensing Journal*; May 2002 (Vol. 22, No. 5)
- "New Federal Law Limits Y2K Litigation," *Litigation News*; September 1999
- "Year 2000 Litigation in the Health Care Area," *DCHA Advocate*; Summer 1999
- "The Year 2000 Problem: Issues for Financial Institutions for the Last Half of 1999," *Electronic Banking Law and Commerce Report*; June 1999
- "Supreme Court Rejects 'Receipt Rule' for Removal Cases," *Litigation News*; May 1999
- Contributing author, *International Technology Transfers* (H. Rubin ed, Graham & Trotman, London); 1995

Ralph's speaking engagements include:

- "Planning for and Minimizing Contractual Disputes," Atlas Legal Conference on Negotiating and Drafting Major Commercial Agreements; 2004 (Boston, Massachusetts)
- "Issues Regarding the Ownership and Protection of Trade Secrets and Other Intellectual Property," Insight Conference on Negotiating and Drafting

Licensing Agreements; 2000 (Washington, DC)

- "Litigating Tax Cases in DC Superior Court," DC Bar Taxation Section; 1999
- "Y2K Issues for Financial Institutions," International Financial Services Association; 1999 (New York)
- "Y2K Legal Issues," Information Systems Audit and Control Association; 1998 (New York)
- "Pre-litigation Considerations: Venue, Forum Selection, and Pre-emptive Declaratory Judgment Suits," ACI Conference on Computer Software and Semiconductor Chip Infringement Cases; 1995 (San Francisco)

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## Life Beyond the Law

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Ralph is a former board member and former president of the National Capital Area Chapter of the American Liver Foundation. He is currently a member of the Board of Trustees of the Princeton Quadrangle Club. His hobbies include skiing, golf, and tennis.

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### Bar Admissions

District of Columbia

Maryland

Virginia

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### Court Admissions

Supreme Court of the United States

US Court of Appeals, District of Columbia Circuit

US Court of Appeals, 4th Circuit

US Court of Appeals, 6th Circuit

US District Court, District of Columbia

US District Court, Western District of Virginia

US District Court, Eastern District of Virginia

US Bankruptcy Court, Eastern District of Virginia

US District Court, District of Maryland

US Court of Federal Claims

US District Court, District of Colorado

US District Court, Eastern District of Michigan