



KENNETH E. KELLER

PARTNER

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Kenneth E. Keller is a founder and trial partner with Krieg, Keller, Sloan, Reilley & Roman LLP. Currently, Ken's practice is primarily complex commercial litigation and white collar criminal defense, with an emphasis on intellectual property disputes. Over the years, he has represented companies in the biotechnology, semiconductor, pharmaceutical, automotive, fresh produce, and fashion industries. He has tried more than 65 cases of all types to verdict in the federal and state courts throughout the United States. As a result, he was elected to the American Board of Trial Advocates.

Ken's experience in intellectual property matters includes jury trials in patents, trademarks, trade dress, and copyrights in cases representing both inventors and alleged infringers. He has been involved in matters dealing with such diverse technologies as semiconductor chip design, programmable logic devices, DRAM technology, chemical and biotechnology processes (including protein synthesis and DNA purification), hybrid pineapples, fashion footwear design, automotive design, machine technology and medical/dental devices. He has prepared and/or tried cases in the federal courts in California, Nevada, Oregon, Wisconsin, New Jersey, Texas and Florida. He also has extensive experience litigating and counseling clients on issues related to antitrust and anticompetitive conduct, and alleged unfair business practices under federal and state statutes in connection with a variety of products and markets, and protection of trade secrets.

Notable Engagements

Following are examples of cases Ken has handled.

- Counsel for Gucci, Chanel, and Tiffany in their anti-counterfeiting disputes.
- Represented Hawaiian pineapple company in related antitrust, patent and trademark infringement actions involving fresh hybrid pineapples.
- Defended manufacturer of automotive after-market windshield wipers in a jury trial involving claims of patent and trade dress infringement resulting in defense verdict.

- Defended several major designers and retailers of fashion footwear in trade dress infringement actions involving Dr. Martens trade dress and trademarks.
- Defended international biotechnology company in a jury trial of a patent infringement action involving a process patent for purification of monoclonal antibodies resulting in a defense verdict.
- Represented a semiconductor chip manufacturer in four patent infringement lawsuits involving semiconductor technology related to programmable logic devices.
- Defended semiconductor chip manufacturer in the first jury trial under the Semiconductor Chip Protection Act of 1984.
- Defended an international biotechnology company in a patent infringement action involving seven patents pertaining to the synthesis and purification of DNA/RNA.
- Represented a domestic courier in a federal service mark infringement action against international and domestic courier companies.
- Defended advertising agency in federal right of publicity suit involving allegations of unauthorized use of likeness of public figure in advertising campaign.
- Represented president of international high technology company for forty-count federal indictment regarding custom violations and alleged scheme of under evaluation resulting in dismissal of all charges.
- Represented principal of computer network company in state action involving charges of unauthorized access of State of California computer network.
- Represented international manufacturer of beauty products in federal action involving criminal violations of United States Customs Laws.
- Represented a governmental-owned company from the People's Republic of China in fraud/RICO litigation involving scrap metal and hazardous waste.
- Working with Patent Counsel of Consumer Products Manufacturers regarding formation of National Patent Board for non-binding resolution of patent disputes.

Publications

- Co-Author, "Emerging Trends in Non-Insurance Bad Faith Litigation," *Bad Faith Litigation and Insurer v. Insured Disputes (Practising Law Institute 1989)*

- "Understanding, Defending and Avoiding Punitive Damage Claims in Products Liability Action," *For the Defense (October 1988)*
- "The Constitutionality of Fixed Check Point Border Searches," *Hastings Constitutional Law Quarterly (1975)*

Teaching Engagements

- National Law Institute
- Federal Practice Institute
- Hastings College of Advocacy
- Practising Law Institute
- Defense Research Institute

Speaking Engagements

- "Taking a Piece of the Action," Panel discussion presented to The Bay Area Bankruptcy Forum (*June 2000*)
- "The Impact of Local Rule 16 of the United States District Court for the Northern District of California on Markman Hearings in Patent Infringement Actions," panel discussion presented to San Francisco Intellectual Property Law Association (*November 1997*)
- "Valuing Intellectual Property for Dispute Resolution," 1995 Intellectual Property Business Issues Conference, sponsored by Coopers & Lybrand LLP, Law & Economics Consulting Group (*January 1995*)
- "The Impact of Amended Federal Rule 26 on Intellectual Property Litigation," given to Intellectual Property Managers of Coopers & Lybrand LLP, Emeryville, California (*December 1994*)
- "Opening Statements and Closing Arguments in Intellectual Property Cases," American Bar Association, National Law Institute, "How to Try High Technology Cases," San Francisco, California (*February 1994*)
- "The Constitutionality of Punitive Damages," Medmarc Loss Prevention Seminar, San Francisco, California (*July 1989*)
- "Emerging Trends in Non-Insurance Bad Faith Litigation," Practising Law Institute Bad Faith Litigation Seminar, San Francisco, California (*June 1989*)
- "The Admissibility of Evidence of Intoxication in Products Liability Cases and Its Proof Through Forensic Expert Testimony," Defense Research Institute, Trial Techniques, Experts and Evidence Seminar, Richmond, Virginia (*April 1989*)

- "Opening Statements," Defense Research Institute, Trial Techniques Seminar, Portland, Oregon (*September 1988*)
- "Defending Punitive Damage Claims in Medical Products Liability Cases," Medmar Loss Prevention Seminar, San Francisco, California (*July 1988*)

Education

- University of California, Boalt Hall School of Law, J.D. (*1976*)
- University of California, Berkeley, B.S., Zoology, undeclared minors in Chemistry and Engineering (*1973*)

Admitted to Practice

- California (*1976*)

Professional Affiliations and Activities

- American Bar Association (Sections: Intellectual Property; Litigation)
- State Bar of California (Section: Litigation)
- Bar Association of San Francisco
- American Board of Trial Advocates
- American Inns of Court (San Francisco Bay Area Intellectual Property Inn)
- Association of Business Trial Lawyers
- Named a *Super Lawyer* in the San Francisco Magazine survey.