

Robert A. Shlachter – Shareholder



Rob Shlachter is a trial lawyer who handles cases in state and federal courts, as well as before arbitration panels, emphasizing all types of complex business litigation. Rob concentrates on intellectual property, unfair competition and commercial litigation.

Rob is the former president of the Association of Business Trial Lawyers and frequently lectures and writes about strategies in commercial litigation.

The National Law Journal and *Oregon Super Lawyers* have selected Rob as one of the top 10 litigators in Oregon. In addition, *Chambers USA: America's Leading Lawyers* (since 2005), the *Best Lawyers in America* (since 2007), *Benchmark Litigation Guide* (since 2008), and *Oregon Super Lawyers* (since 2006) list Rob as one of the top litigators in the state for business, intellectual property and "bet your company" disputes. In addition, *Best Lawyers in America* named Rob as the 2012 "Lawyer of the Year" for Bet-the-Company Litigation, the 2014 "Lawyer of the Year" for Intellectual Property Litigation, the 2015 "Lawyer of the Year" for Patent Litigation, and the 2017 "Lawyer of the Year" for Bet-the-Company Litigation in Portland, Oregon. In 2009, Rob was inducted into the American College of Trial Lawyers.

Rob received the Oregon State Bar's 21st Annual Owen M. Panner Professionalism Award in 2018. The annual award is named after Owen M. Panner, an esteemed member of the federal bench, and each year honors one member of either the bench or bar who exemplifies the highest personal and professional standards. The award recognizes both personal and professional qualities, reputation, and conduct.

Representative Cases:

Trademark, Trade Dress, Patent and False Advertising:

- Obtained permanent injunction after trial for Oregon wireless company in a trademark infringement action against national wireless firm.
- Obtained permanent injunction against infringer for use of mark owned by fitness company.
- Obtained \$8 million settlement on eve of trial on behalf of home exercise manufacturer against a national competitor.
- Obtained \$18.5 million settlement on eve of trial on behalf of home exercise manufacturer against a national competitor.
- Obtained a \$1.2 million jury verdict on behalf of software developer in college application systems industry against competitor for patent infringement.

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- Successfully represented inventor of ammunition/firearm advancements in large patent/breach of contract lawsuit.
- Successfully prosecuted infringement case on behalf of knife manufacturer.
- Obtained summary judgment for plaintiff inventor of camera display devices, establishing liability and knocking out all defenses.

Real Estate Disputes:

- Represented developers/owners in disputes over operations and investments in multi-family and commercial properties in the Northwest, California and other states.

Fraud / Breach of Fiduciary Duty:

- Co-lead counsel in two jury trials in California (one on fraud and one on fiduciary duty and damages) for owners of major clothing manufacturer against partners. Following a jury verdict on fraud, the case settled in favor of clients for more than \$250 million in stock and cash.

Fraud / Oregon Securities Fraud / ERISA:

- Successfully defended one of the major targets of numerous lawsuits, seeking \$500 million against borrowers, accountants and lawyers in connection with collapse of a large pension advising firm; settled favorably with primary payment from insurance carriers.
- Obtained summary judgment on behalf of individual sued for \$25 million under control person fraud provisions of Oregon Securities Act.

Corporate Insider Fraud / Breach of Fiduciary Duty:

- Successfully represented liquidating trust of bankrupt Oregon fiber optic cable company in lawsuit against founder/former CEO and accountants.

Directors / Officers Liability:

- Successfully defended corporate officers of NBA team and arena accused of conflict of interest and participation in fraudulent conveyances.

Insurance Coverage / Corporate Indemnification:

- Successfully obtained tens of millions of dollars of insurance coverage under disputed D&O policies.
- Obtained \$3 million policy limit contribution from professional liability carrier in connection with major construction project.
- Obtained policy limits settlement in a lawsuit against insurance carrier involving in-house counsel malpractice coverage.
- Won two arbitrations establishing advancement rights (worth more than \$5 million) for attorney's fees under Delaware indemnification law.

Trade Secret:

- Successfully represented aircraft company in trade secret dispute
- Successfully defended major California software companies in several trade secret cases, which ended with dismissals without payment to plaintiffs.

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Breach of Contract / Covenant of Good Faith:

- Obtained a \$15.4 million jury verdict, including punitive damages, on behalf of Oregon saw mill against major timber/pulp company.
- Successfully defended U.S. Golf Association in injunction proceeding challenging amateur status.
- Represented client in breach of contract arbitration to terminate long-term supply contract of auto fuel.
- Successfully obtained preliminary injunction preventing termination of defense contract.

Breach of Contract / Energy Law:

- Represented major California utility in challenge to \$250 million long-term energy contract for Oregon electricity.

Professional Liability:

- Represented law firm in defense of malpractice case arising out of \$28 million tender offer for Oregon company.

Malicious Prosecution:

- Successfully defended major Oregon high-tech company sued in California for malicious prosecution arising out of major patent lawsuit.

Employment Litigation:

- Successfully litigated wrongful termination case on behalf of fired CEO, which ended in substantial severance payment and a public statement that CEO was fired "without cause".

Bioethics:

Successfully defended class action over informed consent in medical research.

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Professional Experience:

- Stoll Berne; shareholder, 1991-present
- Alschuler Grossman & Pines, Los Angeles, California; shareholder 1975-1991
- Hon. Herbert Y.C. Choy, Ninth Circuit Court of Appeals, 1974-1975

Education:

- Georgetown University Law Center, J.D., 1974
 - *Georgetown University Law Journal*, associate editor, 1972-1974
- Yale University, B.A., 1969

Admitted to Practice:

- Oregon State Bar, 1991
- California State Bar, 1974

Professional Activities:

- Oregon State Bar
- Association of Business Trial Lawyers, Executive Committee, 1983-1987; president, 1986-1987
- Straus Institute for Dispute Resolution Training, 2007

Community Activities:

- Portland Hillel, Board Member, 2008-present
- Jewish Federation of Portland, President, 2001-2003; Board Member, 1992-2004; 2007-2012
- Mittleman Jewish Community Center, Board Member, 2004-2007
- Coach, High School Mock Trial (1996-present), state champions (2001, 2002 and 2003), state runner-up (2008)
- Volunteer Mediator, Multnomah County Court Mediation Program, 2008-present
- Sussman Award (2012) with wife Mara for outstanding contributions to the community
- Owen M. Panner Professionalism Award (2018), Oregon State Bar's Litigation Section