

Fisher Broyles

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Practice Areas: Intellectual Property; Litigation – Civil Pretrial and Trial Services; Litigation - Intellectual Property; Litigation & Risk Management; Mediation; Media and Communications Law

Bar Admissions: California; U.S. Supreme Court; U.S. Court of Appeals, 3rd Circuit; U.S. Court of Appeals, 4th Circuit; U.S. Court of Appeals, 6th Circuit; U.S. Court of Appeals, 8th Circuit; U.S. Court of Appeals, 9th Circuit; U.S. District Court, N.D. CA; U.S. District Court, C.D. CA; U.S. District Court, S.D. CA; U.S. District Court, E.D. CA

Education: Duquesne Univ. School of Law, J.D. 1981; California Univ. of Pennsylvania, California, PA; B.A., Business Administration, 1977

Experience: Cozen O'Connor, LLP; Nixon Peabody, LLP

Mr. Harshman has over thirty years of experience as a business trial lawyer. He has tried cases in Pennsylvania, California, Arizona and Texas. Over his 30-year career, Mr. Harshman handled a wide range of litigation including contract disputes, trademark and copyright litigation, trade secret disputes, business torts, products liability, biological implant litigation, and insurance litigation. His current practice specializes in trademark, copyright and trade secret litigation.

Success in high-stakes litigation often requires the experience and confidence to try the case before a jury. If a lawyer is prepared only to litigate a case toward settlement, that will be the client's only option. Lawyers lacking trial experience may not foresee how events will unfold at trial and will not be prepared to meet those challenges. Mr. Harshman's trial experience includes serving as lead trial attorney in a ten-day jury trial in Santa Monica concerning alleged adverse effects of biological implants. He was lead trial attorney in a 2-1/2 month jury trial concerning the construction of cogeneration power plants. He was one of three trial counsel defending a \$40 million insurance coverage dispute in Phoenix, Arizona.

Mr. Harshman's recent IP experience includes successfully representing an online retailer against an

opponent's attempt to cancel its registered trademark. He defended another retailer against copyright infringement, trademark infringement and unfair competition claims arising from the sale of online products. Mr. Harshman represented a clothing company in a dispute over copyrighted graphic designs. He also defended a motion picture production company in a dispute over alleged trade secrets for the design of motion picture equipment.

Before relocating to California in 1997, Mr. Harshman was a litigation partner with Pietragallo Bosick & Gordon in Pittsburgh, PA. He was one of nine original lawyers to start the firm. While practicing in Pennsylvania, Mr. Harshman was trial counsel in three jury trials, several bench trials, over 100 administrative proceedings and more than 15 appellate arguments before PA appellate courts. During law school, Mr. Harshman was a member of the Duquesne Law Review where he served as recent decisions editor. He received the American Jurisprudence Award for Pennsylvania and Federal Practice.

Presentations & Teaching Experience

- Speaker – Leaders in Biobanking Congress, Cambridge Healthtech Institute (November 2011)
- Panelist – Beyond Electronic Discovery: The Brave New World of Electronic Discovery Revisited – Annual Meeting of the ABA Litigation Section, New York (April 2005)
- Speaker – Electronic Discovery – ABA Litigation Series Teleconference, (March 2005)
- Speaker – Breakfast Meeting, Business Torts Committee of the Litigation Section, ABA Annual Meeting (Atlanta, 2004)

Publications

- Harshman, D, Phillips, G; "The Challenges of Litigation in US Courts and the Actions Tissues Banks Can Take to Meet Those Challenges;" Journal of Cell & Tissue Banking (2011)
- Harshman, D "Zubulake v. UBS Warburg: An Update on Electronic Discovery;" ABA Business Torts Journal (Fall 2004)
- Harshman, D; "Rise of the Machines: A Critical Look at the New Electronic Discovery Standards;" ABA Business Torts Journal (Summer 2004)