

**PRACTICE FOCUS**

- > Intellectual Property
- > Intellectual Property Litigation
- > Information Technology
- > Information Technology Litigation

216.622.8656
dmcmullen@calfee.com

PROFESSIONAL ASSOCIATIONS

- > American Bar Association, Science and Technology and Patent, Copyright and Trademark Law Section.
- > Ohio State Bar Association, Computer Law Committee.
- > Cleveland Metropolitan Bar Association.

ACADEMIC

- > Adjunct Faculty, Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio, 1990 to present. Created and teach course on proprietary rights in information technology to second- and third-year law students.
- > Teaching Staff, Negotiation Workshop, Harvard Law School Program of Instruction for Lawyers, with Professor Roger Fisher, Cambridge, Massachusetts, June 1994.

PUBLICATIONS

- > "Lights, Camera, and (Finally)... Action for Ohio's Film Industry," *Calfee First Alert*, August 5, 2009.
- > "Select Legal Issues for the Software and Information Technology Market," *Winning Legal Strategies for Software Companies*, Aspatore Books, October 2005.
- > "Where is There? Personal Jurisdiction and the Internet," *Ohio Bar IP Section Newsletter*, Summer 2005.
- > *Right of Publicity*, Lex Mundi publication on Ohio IP Law, Suppl. 13, February 2005.
- > "Be Aware: One Click Can Equal a Contract," *Crain's Cleveland Business*, Vol. 24, No. 33, August 18-24, 2003.
- > "Conflicting Perceptions in IT Transactions," *Cleveland Enterprise Magazine*, Spring 2001.
- > "Likelihood of Confusion? Select Trademark and Jurisdiction Issues on the Internet," University of Akron Annual Symposium on Intellectual Property Law and Policy, March 13, 2000.
- > "Online Content Providers Search for Protections," *The National Law Journal*, May 20, 1996.
- > "On Heroes and Idealists," 42 *Cleveland State L. Rev.* 373, 1995.
- > "Stubborn Facts of History," 44 *Case W. Res. L. Rev.* 75 (1993).
- > Essays in *Cleveland Plain Dealer*, Forum Page (1991-93).

PRESENTATIONS

- > "Intellectual Property for Tech Firms," a 3-part podcast for *NEOSA - The COSE Technology Network*, June, 2010.
- > "A Few Things Authors, Artists and Creators Should Know About Intellectual Property," *Presentation to Hiram College Faculty*, February, 2010.
- > "PCI Compliance Legal Considerations," *SecureState Seminar*, November, 2008.
- > "Diversity and Desegregation: The Roberts Court and the Future of Race-Based Remedies," panel sponsored by the *American Constitution Society and the Leadership Conference on Civil Rights Education Fund*, *Case Western Reserve University Law School*, February 6, 2008.
- > "Select Issues in IT Contracting" *FirstEnergy Lunch & Learn Seminar*, July, 2008.

PRESENTATIONS (Cont.)

- > “IT Contracts... and Their Significance in Avoiding Mitigating and Winning IT Disputes,” *Seminar on Complex Litigation*, July, 2007.
- > “What Every Artist Should Know About IP,” *Artist as an Entrepreneur Institute, Community Partnership for Arts and Culture (CPAC)*, April, 2007.
- > “An Update on Electronic Record Retention Requirements (Or What You Do/Don’t Have, Can/Can’t Hurt You),” *GCP/COSE Webcast Series*, March, 2007.
- > “What Every Artist Should Know About Contracts,” *Artist As Entrepreneur Institute, CPAC*, November, 2005.
- > “Here, There and Everywhere . . . Jurisdiction and The Internet,” *Ohio State Bar Associate Digital Technology Committee*, September 9, 2005.
- > “Whose Idea Is It? Intellectual Property In the Information Age,” *The Huntington Bank Webcast Series presented by NEOSA and COSE*, August, 2005.
- > “IT Contracting in Healthcare,” *Northern Ohio Information and Management Systems Society*, April 14, 2005.
- > “Anatomy of an Information Technology Transaction,” *presentation for City of Cleveland*, October, 2003.
- > “Defusing Software Audit Threats,” *International Association of IT Asset Managers Webinar*, July, 2003.
- > “Look Before You License,” *International Association of IT Asset Managers Seminar*, July, 2003.
- > “What T.I.M.E. Artists Should Know About Contracts,” *Cleveland Institute of Art*, February, 2003.
- > “IP Rights for T.I.M.E. Artists,” *Cleveland Institute of Art*, November 18, 2002.
- > “Intellectual Property Cybercrimes,” *Northeast Ohio Information Technology Security Roundtable*, January 10, 2002.
- > “New Intellectual Property Issues in E-Commerce,” *Cleveland Bar Association*, May 19, 2001.
- > “E-Commerce Risks and Insurance,” *Marsh IT Seminar*, May 8, 2001.
- > “IP Rights in IT Assets,” *Association of Internet Professional*, March 6, 2001.
- > “Anatomy of an Information Technology Transaction,” *Cleveland Bar Association*, March 3, 2001.
- > “IP Issues for Entrepreneurs,” *NEOSA’s Entrepreneur Boot Camp*, February 2, 2001.
- > “A Talk with William Raduchel, CTO OF AOL Time Warner,” *Moderator*, May 25, 2000.
- > “IT Contracting in the 21st Century,” *Ohio Attorney General’s Conference of Public College & University Attorneys*, April 26-27, 2000.
- > “IP Rights in IT Assets,” *Cleveland Bar Association Corporate Counsel, E-Commerce Seminar*, March 28, 2000.
- > “Emerging Legal Issues in E-Commerce and the Internet,” *Information Technology Forum*, March 24, 2000.
- > “Intellectual Property & Music on the Internet,” *Cleveland Bar Association and Rock and Roll Hall of Fame and Museum*, November 3, 1999.
- > “Emerging Legal Issues in Software Protection and E-Commerce,” *Northeast Ohio Software Association Monthly Meeting*, October, 1999.
- > “Trademark Law Treaty Implementation Act,” *Cleveland Intellectual Property Law Association*, September 9, 1999.
- > “Copyright in the Digital Age,” *American Society of Media Photographers*, 1999.
- > “An Overview: Select Topics in Intellectual Property and Film,” *Cleveland Bar Association and Volunteer Lawyers for the Arts*, 1999.
- > “Overview of Copyright and Distributed Learning at Kent State University,” 1998.
- > “Select Topics on Intellectual Property Rights of Graphic Artists,” *Northern Ohio Illustrators Society*, 1998.
- > “Wired (Mired?) and Inspired: Selected Topics on IT, Law and the Arts,” *Cleveland Bar Association and Volunteer Lawyers for the Arts*, March 15, 1997.
- > “The Internet and Trademarks,” *Cleveland Intellectual Property Law Association*, February 11, 1997.
- > “Protecting Intellectual Property in the Digital Age,” *Securities Industry Association Roundtable*, May 16, 1996.

PUBLIC SERVICE

- > Mediator, United States District Court, Northern District of Ohio; member of Panel of Neutrals, 2002 to present.
- > Special Master and Director, Office on School Monitoring, United States District Court-appointed monitor and mediator in Cleveland school desegregation case, 1989 to 1995. Directed staff, conferred with counsel and public officials, conducted hearings, and reported findings to court, media and community. Recommended and mediated comprehensive settlement of case.
- > Trial Attorney, United States Department of Justice, Civil Division, Washington, D.C., 1983 to 1986. Represented United States and Executive Branch agencies in civil litigation in federal district courts and bankruptcy courts, U.S. Claims Court and Court of Appeals for the Federal Circuit.
- > Law Clerk to Chief Judge, United States District Court, for the Northern District of Ohio, Honorable Frank J. Battisti, Cleveland, Ohio, 1982 to 1983. Assisted at trials and hearings, researched and drafted legal opinions and court orders.

CIVIC

- > Board Member and (former) Chair, Greater Cleveland Media Development Corporation (Cleveland's Film Commission).
- > Board Member, NEOSA (formerly Northeast Ohio Software Association).
- > Former Advisory Committee Member, Time Integrated Media Environment Program, Cleveland Institute of Art.
- > Former Trustee, Institute for Educational Renewal.
- > Leadership Cleveland, Class of 1991.