

Daniel S. Ebenstein

Partner



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Daniel S. Ebenstein, the Managing Partner of ARE, has extensive experience litigating patent, trademark and copyright matters in federal courts and in arbitration; negotiating and drafting complex intellectual property agreements including intellectual property licenses and joint ventures for new product development; and counseling clients in connection with patent and trademark conflicts. He focuses on technology involving electrical, communications, computers, materials science, internet developments and mechanical arts. Recent disputes involved battery technology for hybrid vehicles, telecommunications systems, cell phone systems and hardware, business method patents, printing equipment, consumer electronics, retailing and software.

As a member of the AAA Commercial Panel, Mr. Ebenstein frequently serves as an arbitrator on panels under AAA and ICDR rules. He is a member of the CPR Technology and Trademark Panels, and a member of the Chartered Institute of Arbitrators in the U.K. With this and 40+ years experience litigating patent, copyright and trademark matters in federal courts, he is trusted to evaluate and resolve disputes where tens of millions of dollars may be at stake. Recent arbitrations have involved patent infringement and validity, licensing disputes concerning royalty obligations, trademarks disputes and trade secret claims. He also served as a special master in four consolidated patent infringement actions in U.S. District Court for the Eastern District of New York.

He has negotiated hundreds of IP licenses, and focuses on the longer-term business issues so as to structure arrangements parties can live with over the years.

The senior partner of the firm, Mr. Ebenstein contributes to a firm culture that fosters a high level of technical competence, ongoing professional development and training in complex and emerging technologies, stability, client loyalty and teamwork.

He was instrumental in developing key IP and other regimes such as the Federal Unfair Competition Law and the 1976 Copyright Act, and he has testified before Congress on such legislation.

Mr. Ebenstein began his career as an IP attorney at Bell Labs where he worked on military projects involving sonar, electronic and early computer technology.

EDUCATION

- Harvard Law School, Cambridge, MA, 1967, J.D.
- Columbia University School of Engineering, New York, NY, 1964, B.S. Engineering

CERTIFICATION AND SPECIALTIES

- Registered to Practice Before the U.S. Patent and Trademark Office

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- The Association of the Bar of the City of New York
- American Bar Association
- New York Intellectual Property Law Association
- The Copyright Society of the U.S.A.
- Commercial Panel, American Arbitration Association

AWARDS & HONORS

- Intellectual Property, *Super Lawyer*, 2013, 2014

BAR ADMISSIONS

- U.S. Court of Appeals for the Federal Circuit, 1984
- United States Supreme Court, 1973
- U.S. Court of Appeals for the Second Circuit, 1971
- U.S. District Court Southern and Eastern Districts of New York, 1969
- New York, 1967

IN THE PRESS

- **In The Press:**
5 ARE Attorneys Named *Super Lawyers* Again
- *Super Lawyers*, October 8, 2014
- **In The Press:**
Amster, Rothstein & Ebenstein LLP is pleased to announced that partners Daniel Ebenstein, Anthony F. Lo Cicero and Charles R. Macedo have been named IP Stars by Managing IP for 2013
Managing Intellectual Property IP Handbook, www.miphandbook.com