



Robert A. McFarlane
Partner

Rob is a registered patent attorney whose litigation practice focuses on patent infringement matters, intellectual property disputes, and technology-related commercial cases. He additionally provides his clients with counseling on a wide range of intellectual property matters relating to licensing negotiations, trademark and copyright, unfair competition, and trade secrets.

He advocates on behalf of clients ranging from individuals to multi-national corporations, often in cases involving the threat of injunctive relief with potential damages of tens or hundreds of millions of dollars. He appears in courts throughout the United States, including such significant patent litigation jurisdictions as the Eastern District of Texas, the Eastern District of Virginia, the Northern District of Illinois, and the Northern and Central Districts of California. He is also experienced with matters filed in the International Trade Commission (ITC) and the Trademark Trial and Appeal Board (TTAB).

Rob has successfully represented his clients in patent infringement matters involving a wide range of technologies including semiconductor fabrication processes, semiconductor power technologies, digital signal processing, microprocessor design, software, computer hardware, FLASH and DRAM devices, business methods and financial transactions, the internet, optics and optoelectronics, circuits, textile chemistry, oil exploration, optical character recognition, agricultural and manufacturing equipment, transportation and consumer products. His experience includes both

Community Involvement

Hastings Science and Technology Law Journal, Peer Reviewer

Golden Gate University School of Law Intellectual Property Law Center Advisory Board

Lawyers' Committee for Civil Rights

Hastings College of the Law 1066 Foundation

Professional Affiliations

San Francisco Intellectual Property Law Association, Patent Co-Chair (2012-13)

American Intellectual Property Law Association

Institute of Industrial Engineers

Federal Circuit Bar Association

Bar Association of San Francisco

American Bar Association

Judicial Clerkships

Judicial Extern Clerk to the Honorable Eugene F. Lynch, Judge of the United States District Court for the Northern District of California

Education

J.D., University of California, Hastings College of the Law (1994)

B.A.S., with departmental honors, Industrial Engineering and Political Science, Stanford University (1990)

San Francisco

415-995-5072 Direct Phone

415-541-9366 Fax

[Email Attorney](#)

[vCard](#)

[PDF Bio](#)

Firm Leadership

Technology Practice Chair

Pro Bono Committee

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bench and jury trials, and he has conducted examinations of fact and expert witnesses in federal district court, arbitration and administrative proceedings. He frequently takes leading roles in all aspects of his cases and has taken and defended scores of depositions. He has significant experience in expert discovery and motion practice in highly-technical patent cases, briefing and arguing dispositive, pre- and post-trial motions, and claim construction ("Markman") hearings in patent cases.

In addition to his patent litigation matters, he has litigated trademark, trade dress, and unfair competition matters involving consumer products; cases involving trade secret issues relating to the use and ownership of proprietary inventions in diverse industries; and a case involving the conflict between a major politician's right of publicity to control the use of his likeness and the First Amendment right to sell a satirical representation depicting him.

Rob also has significant expertise in complex commercial litigation. He has litigated cases involving tortious interference and other business tort claims relating to the acquisition, assertion and use of intellectual property; multi-million dollar software performance matters that include misrepresentation, breach of contract, fraudulent inducement and negligence claims; a major antitrust matter in the magazine distribution industry; and breach of contract cases involving technology companies.

Rob teaches patent law as an adjunct professor at Golden Gate University School of Law, has been a guest lecturer in intellectual property at the University of San Francisco, and has served as an instructor of copyright law in an LLM program jointly offered by Santa Clara University and Korea's Seoul National University.

Publications

"E-Discovery: Computer-assisted coding is a powerful tool to control complex case e-discovery costs," co-author, *InsideCounsel*

Admissions And Courts

California

U.S. Supreme Court

U.S. Patent and Trademark Office

U.S. Court of Federal Claims

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Eastern District of Texas

(May 2012)

"E-discovery: Popular patent venue in Texas adopts model order to rein in e-discovery costs," co-author, *InsideCounsel* (April 2012)

"Supreme Court: New Ruling On Patentable Subject Matter," co-author, *Hanson Bridgett IP Alert* (March 2012) featured in Bar Association of San Francisco's counsel Newsletter (May 2012)

[See All Publications](#)

Presentations

"Update on Intellectual Property Damages," co-presenter, California Society of CPAs (October 2012)

"Protecting Intellectual Property," Keiretsu Forum Entrepreneur Academy (August and November 2012)

"Legal Implications for International Companies in the US: Financing and IP Issues," co-speaker, Plug and Play Tech Center (March and April 2012)

[See All Presentations](#)