

Philip D. O'Neill, Esq.

CONTACT:

poneillarb@gmail.com; 617.513.6666

Profession Arbitrator; Adjunct Law Professor

Attorney Work History Partner, Edwards Wildman Palmer LLP, 1987-2014 (including predecessor firms and now known as Locke Lord Edwards LLP); Partner/Associate, Hale & Dorr, 1977-87 (now known as Wilmer Hale).

Experience Primarily engaged in litigation/arbitration as a trial attorney and arbitrator for over 35 years, with approximately equal experience in international and domestic arbitration and litigation involving complex business disputes (70%). The practice focused on complex contractual, corporate, investment, intellectual property (e.g., patent license and trade secrets), and other business disputes, typically involving diverse industries, such as telecommunications, life sciences, computer software, defense; aerospace; energy supply, entertainment (e.g., music), apparel/fashion, transportation, and manufacturing (e.g. plastics, jewelry, food), as well as many other areas of business activity (e.g., supply/distribution/partnership/franchise). Domestic and foreign clients have ranged from large New York Stock Exchange listed companies to small venture backed start-ups and individuals. Additional experience as counselor and in transactions during the past 20 years (30%). Counseling experience typically involved manufacturers, as well as cross-border joint ventures and private equity/venture capital/collective investment, often times for foreign clients,

in various industries and locales in the U.S. and around the world, particularly the Middle East. Listed repeatedly in "America's Best Lawyers" in International Arbitration.

ACADEMIC EXPERIENCE includes the following: Adjunct Professor of Law in International Arbitration, Boston College Law School (1989-present); Adjunct Professor of Law in International Arbitration (2011- to present)(ELLM Program) and previously National Security Law (2001-2009 JD Program) and American Foreign Policy and International Banking (1992 LLM Program), Boston University Law School; Adjunct Professor of International Law (Business Transactions), Fletcher School of Law & Diplomacy (2007); Nomura Lecturer in Law, International Arbitration, Harvard Law School (2005); Adjunct Research Associate, Center for International Affairs, Harvard University (1988); Adjunct Research Fellow, Center for Science and International Affairs, Kennedy School of Government, Harvard University (1983-87).

Alternative Dispute Resolution Experience: Selected as a neutral arbitrator (as panel chair dozens of times) in an array of approximately 120 large and complex cases, split between domestic and international. Presided over dozens of trials in recent years with billions of dollars in total either claimed as damages or at issue through declaratory judgment actions.

NOTABLE ARBITRATOR EXPERIENCE as sole arbitrator, wing or chair, includes presiding over disputes involving: 6 to 10 figure (\$US) contractual claims, including allegations of fraud, misappropriation and other standard types of business tort claims, in diverse industries ranging from aerospace to private equity investment,

including hedge fund, venture capital, partnership (e.g., real estate) and shareholder disputes; to product development, marketing, transportation, shipping, development and logistics; manufacturing, distribution and supply, as well as global branding of foreign and domestic products, including apparel/fashion/accessories, food, weapons/explosives, software and chips; consumer goods, etc; consulting/services contracts; franchise (e.g.. food; private education); entertainment (e.g., sports and movies); partnership dissolution; financial services; and restrictive covenants (including in acquisition context) .

SPECIFIC INDUSTRY EXPERIENCE includes:

(1) **Communications** – 9 figure patent licensing dispute between Asian and American telecom companies; 8 figure prepaid calling card dispute between Israeli and American companies; 8 figure voice recognition modem chip contract with foreign supplier; satellite digital transmission license and services-related claim; telecom contract rate disputes; web-based video library services dispute.

(2) **Distribution/Supply/Development** – 9-10 figure dispute involving European and American transportation companies; 9 figure industrial gas supply/off-take long term requirements contract between Asian companies; 9-10 figure apparel industry long term license; military and civilian aerospace development/supply/service contracts; explosives supply contract; and printing, food and beverage (foreign and domestic) supply contracts, including outsourcing (e.g.. China);

(3) **Energy** - Eastern European privatization joint venture; South East Asian power generation contract; electricity contracts; 8 figure oil storage claim with South American sovereign ultimate owner; solar power generation in South Asia.

(4) Private Equity/Investment/Acquisitions – 9 figure shipping asset post-closing adjustment between American and European parties; 8 figure private fundraising dispute with Asian Sovereign; 8 figure Latin American transportation and other eight figure post-closing adjustment claims, including food and transportation industries, as well as related non-competition disputes; cross-border fashion/garment industry disputes between partners as well as with venture capitalists; environmental indemnity claims; hedge fund claims; office buildings investment partnerships; and stock valuation of foreign company related disputes;

(5) IP -- Technology/Life Sciences – ownership, licensing and related disputes over intellectual property, including “product” definition patent infringement disputes; examples include 10 figure pharmaceutical patent license dispute between European and American companies; 10 figure patent licensing and genetic technology trade secret dispute between Asian pharmaceutical and American biotech company; 10 figure consumer electronics patent license dispute; 9 figure Russian defense technology patent license claim; 9 figure European bottling technology patent license dispute; 8 figure healthcare patent license claim; patent license and trade secret claims involving pharmaceutical “products”, powered tools, collection software, printing equipment, private education software and other information technology and software related claims.

(6) Global Brands – 9-10 figure trademark licensing and infringement disputes involving apparel and consumer products.

(7) Aero-Space – Revenue sharing dispute between Global and regional carrier; disputes involving development of next generation fighter jet; maintenance of existing generation fighter jet; technology related to ballistic missile defense, and satellite parts supply.

Read more at arbitrator website: www.pdoneill.com, **NOTABLE ADVOCATE EXPERIENCE** in arbitrations includes 10 figure long-term energy supply contract between American and African state enterprise; 8 figure M.E. telecom privatization joint venture; 8 figure M.E. health care joint venture; 8 figure domestic manufacturing stock valuation; and numerous multimillion dollar domestic commercial disputes (e.g., software; health care partnership; apparel trademark license) in diverse industries.

Alternative Dispute Resolution Training College of Commercial Arbitrators, Annual Meeting, 2009, 2008; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2006; AAA International Arbitration Symposium, 2005; Attended AAA Neutrals Conference, 2005; AAA Dealing with Delay Tactics in Arbitration (ACE004), 2005; AAA Arbitrator Ethics & Disclosure (ACE003), 2004; AAA Arbitrator Update 2001; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001; AAA International Arbitrator Training, 2000; AAA Commercial Arbitrator Training, 2000; AAA/Asia Pacific Center, International Arbitrator Training, Harvard University; AAA Advanced Arbitrator Training.

Professional Licenses Admitted to the Bar: Massachusetts, 1977; New York, 1985; Rhode Island, 1989; U.S. District Court, District of Massachusetts, 1978; U.S. Court of Appeals, First Circuit, 1980; U.S. Supreme Court, 1985.

Professional Associations College of Commercial Arbitrators (Fellow); Chartered Institute of Arbitrators, U.K. (Fellow and Chartered Arbitrator); International Law Association (American Branch, Arbitration Committee, Past Chair; International Arbitration Committee, American Delegate since 1989); American Society of International Law; Boston Bar Association (International Section, Past

Chair; International Arbitration Committee, Past Chair); American Bar Foundation (Fellow); American Bar Association (International Section: International Arbitration Committee, past Vice Chair; National Security Law Committee, Present and Past Vice Chair).

Institutional Listings on Panel of Arbitrators: Current member of the Panel of Arbitrators of (or listed by) AAA /ICDR; British Columbia International Arbitration Centre; CIETAC; CPR; Dubai International Arbitration Centre; Hong Kong Center for International Arbitration; ICC; KCAB; Kuala Lumpur Regional Centre; LCIA; Milan Chamber of Commerce; SCIA; SHIAC; Stockholm Chamber of Commerce, and the World Intellectual Property Organization.

Publications and Speaking Engagements Numerous journals and CLE publications as well as book chapters, primarily related to commercial arbitration and ADR, including: International Commercial Arbitration: Case Studies and Materials Exploring Where Theory Meets Practice (West Academic Press) (December 2011); "International Arbitral Jurisdiction: When Taking Control Goes Out of Control," in AAA HANDBOOK ON INTERNATIONAL ARBITRATION (2010); "CHAPTER 21 - The Power of Arbitrators to Award Monetary Sanctions" in AAA HANDBOOK OF COMMERCIAL ARBITRATION (2010).

Miscellaneous --Rate includes study time. Available to serve in all U.S. and International locales. No expenses charged for arbitrations in Boston or New York City. Negotiable expenses/travel time/cancellation charges for transportation/lodging in other locales.

Citizenship United States of America

ARBITRATOR WEBSITE: www.pdoneill.com

