

## Timothy T. Scott (Tim)

Partner

*Trial and Global Disputes*

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Tim Scott focuses on litigation and arbitration of complex commercial disputes, particularly licensing and collaboration disputes in the life sciences. As Managing Partner of our Silicon Valley office and a partner in our Trial and Global Disputes practice, Tim represents both emerging and mature public companies.

With nearly 30 years of Silicon Valley experience, Tim represents clients in matters including contract and licensing disputes, fraud and breach of fiduciary duty claims, unfair competition claims, and disputes arising from business combinations.

Tim is particularly knowledgeable about the life sciences industry. He has represented life science clients ranging from start-ups to emerging companies and large biopharmaceutical and medical device manufacturers. In addition, he has litigated or arbitrated disputes arising out of collaboration agreements and joint ventures, licensing disputes, distribution and supply agreements, *qui tam* actions, class actions and issues related to off-label marketing.

A speaker and author on a variety of topics, Tim has been repeatedly named a Northern California Super Lawyer for business litigation and securities litigation by *Super Lawyers* magazine.

### Matters

Represent **Allergan** in a licensing dispute regarding the payment of sublicensing fees allegedly due to the licensor as a consequence of entering into a third-party collaboration agreement.

Represent **Impax, Inc.** in dispute regarding the terms of, and the obligation of "good faith negotiations" under, a license agreement entered into in order to resolve pending patent litigation.

Represented **Gatekeeper Pharmaceuticals, Inc.** in an action against a prominent cancer research institute to enforce an exclusive license granted to our client by the institute; asserted cross-claims against an international pharmaceutical company which claimed to have funded the research that generated the invention under a sponsored research agreement and to therefore have rights to the technology. Obtained a seven-figure settlement for delay damages and a royalty-free license to the compound at issue.

Represented **VIVUS, Inc.** in a series of disputes: (1) prevailed in one-week arbitration against European marketing partner, awarded damages and attorneys' fees; (2) prevailed in two-week arbitration against licensor alleging breach of diligence provisions in license to female sexual dysfunction compound; (3) favorably settled action against joint venture after two days of arbitration.

Represented **DaVita, Inc.** in pre-dispute negotiations with a supplier whose products were banned from import, developing a contractual theory that resulted in new terms that provided \$80 million of value to our client.

Represented **Dolby Laboratories and Via Licensing** in various enforcement actions against licensees.

Represented **E.Piphany** in licensing dispute in which, after the client's acquisition of a subsidiary, the plaintiff claimed entitlement to the parent corporation's intellectual property based on contractual definitions of the subsidiary's license agreement; obtained voluntary dismissal.

Represented **27 insurance companies, mutual funds and pension funds** in removing general partner of venture capital partnership, terminating further capital contributions, dissolving partnership and opposing general partner's indemnification claims. Coordinated 12 separate actions against partnership receiver by creditor and five securities suits brought nationwide. Receivership proceedings affirmed in New Mexico Supreme Court.

Represented a number of **technology and life science companies** in securities litigation matters: 3DO, Adaptec, Alza, ASK, CellPro, CKS, Cutera, Cymer, DayRunner, Diana Corp., Digital Link, E.Piphany, Gametech, JD Edwards, Level One, Manugistics, MicroAge, Orbit Semiconductor, Proxima, Santa Cruz Operations, Seagate, Sierra On-Line, Sigma, Stac Electronics, Sun Microsystems, Ventritex and Yes! Entertainment.

## Credentials

### EDUCATION

J.D., University of Chicago, cum laude, Order of the Coif  
B.A., English, Stanford University, cum laude, with distinction

### ADMISSIONS

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

## Recognition

Northern California Super Lawyer: Business Litigation and Securities Litigation  
SUPER LAWYERS

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## Insights

### ARTICLE

*September 10, 2018 • Source: LES Nouvelles*

The Availability Of Post-Sale Contractual Restrictions In The Wake Of Impression Products, Inc. v. Lexmark, 581 U.S. 1523 (2017)

## Events

### CONFERENCE

*April 7, 2016*

West Coast Pharma & Medical Device University

## News

### IN THE NEWS

*March 12, 2018 • Source: Law360 and The Recorder*

Tim Scott counsels Dolby in its licensing dispute against Adobe

### RECOGNITION

*August 1, 2014*

Super Lawyers Names 11 King & Spalding Lawyers Among the Best in Northern California