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**PRACTICE AREAS:**

[Appellate](#)

[Class Action Litigation](#)

[E-Discovery & Information  
Management](#)

[Intellectual Property Litigation](#)

[Financial Transactions](#)

[Litigation](#)

[Product Liability](#)

[Securities Litigation](#)

[Technology & Licensing](#)

[Artificial Intelligence, Robotics,  
and Autonomous Transportation  
Systems](#)

[Commercial Litigation](#)

**STATE ADMISSIONS:**

Pennsylvania

**COURT ADMISSIONS:**

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

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

U.S. District Court for the Western  
District of Pennsylvania

U.S. Court of Appeals for the Third  
Circuit

**EDUCATION:**

J.D., cum laude, Duquesne  
University School of Law, 1973

B.A., with honors, Duquesne  
University, 1968

# Mark A. Willard

## OF COUNSEL

Mark Willard focuses his practice on civil litigation and arbitration matters with a particular emphasis on the discovery of electronically stored information (ESI), otherwise known as e-discovery. As a respected authority on the subject, Mark speaks annually at e-discovery symposiums and has authored related articles for *The Legal Intelligencer*, *The Lawyers Journal*, and *Pittsburgh Post-Gazette*.

With regards to litigation, Mark has extensive experience in complex commercial; multidistrict; class action; technology; patent, trademark and copyright infringement; corporate governance; directors and officers liability; derivative shareholder; and securities fraud class action litigation. He also handles insurance coverage, environmental, product liability, business tort and unfair competition, and defamation litigation as well as commercial arbitration and mediation and electronic discovery. In addition, Mark provides general commercial transactional counseling and serves as general outside counsel to privately held companies, providing legal advice on a broad range of commercial law matters. He is a member of the National Panel of Commercial Arbitrators of the American Arbitration Association and has been appointed by the Judges of the United States District Court of the Western District of Pennsylvania as an arbitrator and E-Discovery Special Master.

## REPRESENTATIVE MATTERS

- Favorably resolved patent infringement cases filed against 11 separate defendants by a Non-Practicing Entity by forming a joint defense group and commencing invalidation proceedings before the United States Patent Trial and Appeal Board.
- Defended employers in connection with theft of trade secrets including actions under the Computer Fraud and Abuse Act.
- Represented numerous employers in connection with enforcement of restrictive covenant violations by former employees.
- Represented buyers in corporate acquisitions in connection with breaches by sellers of representations and warranties set forth in Asset Purchase Agreements.
- Represents both patentees and accused patent infringers in litigation across the United States.
- Represents major securities rating agencies in connection with securities fraud actions involving mortgage backed securities.

- Defended patent false marking cases filed in the U.S. District Court for the Eastern District of Texas.
- Represented directors and officers of multinational corporation against shareholder and creditor claims of breached of fiduciary duty.
- Represented directors and officers of domestic corporations against shareholder derivative claims in hostile takeover litigation.

## PROFESSIONAL AFFILIATIONS

- Allegheny County Bar Association, Practice Lecturer
- Allegheny County Bar Association Legal Technology and E-Discovery Committee
- Pittsburgh Intellectual Property Law Association
- Pennsylvania Bar Association
- Federal Bar Association
- National Institute for Trial Advocacy, Faculty Member
- American Arbitration Association Commercial Arbitration Panel
- Certified in electronic discovery by Lexis/Nexis Applied Discovery

## AWARDS AND RECOGNITION

- Selected for inclusion in *Pennsylvania Super Lawyers*
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

## NEWS AND INSIGHTS

### PUBLICATIONS

- “Ultramercial v. Hulu: Early Dismissal of Business Method Patent Infringement Cases Under FRCP 12(b)(6),” December, 2014.
- “New Judicial Guidance on the Nuts and Bolts of E-Discovery,” February 2011.
- “Navigating the Logistics of E-Discovery,” The Legal Intelligencer, February 2008.
- “What You Don’t Know About Electronic Discovery Can Hurt,” The Legal Intelligencer, January 2007.
- “Plaintiffs Face New Hurdles In Securities Fraud Litigation,” client alert, March 2006.
- “The Duty To Preserve and Collect Electronic Evidence,” Harvard Business School, February 2005
- “A Good Document Retention Policy Can Lower Litigation Costs,” client alert, January 2005.
- “The Need For A Document Retention Policy,” client alert, January 2005.
- “Private Sector: Virtual Documents,” Pittsburgh Post-Gazette, October 2004.
- “Deletion Deliberations,” Smart Business Magazine, September

2004.

- “The Duty To Preserve And Collect Electronic Evidence,” client alert, August 2004.
- “Primer On E-Discovery for Litigators,” The Lawyers Journal, July 2004.

#### MEDIA COVERAGE

- “New Breed of Patent Claim Bedevils Product Makers,” The Wall Street Journal, August 2010.
- “Lawyers Mobilize for the November Election,” Pittsburgh Tribune-Review, September 2004.

#### SPEAKING ENGAGEMENTS

- “Data Breaches: Privacy & Liability” panel moderator and presenter, 2015 eDiscovery Symposium jointly presented by the Allegheny County Bar Association Litigation Technology and E-Discovery Committee and the Pennsylvania Bar Institute, April 2015.
- “The Intersection of Forensic Examinations and Electronic Discovery,” panel moderator and presenter, 2014 eDiscovery Symposium jointly presented by the Allegheny County Bar Association Litigation Technology and E-Discovery Committee and the Pennsylvania Bar Institute, April 2014.
- “eDiscovery in State Court,” faculty member and moderator, Pennsylvania Bar Institute/Allegheny County Bar Association E-Discovery Symposium, April 2013.
- “E-Discovery in Complex cases in Federal Court” and “E-Discovery in Complex and Injunctive Relief cases in Common Pleas Court,” E-Discovery Symposium jointly presented by the Allegheny County Bar Association Legal Technology and E-Discovery Committee and the Pennsylvania Bar Institute, April 2012.
- “Alternative Dispute Resolution,” co-presenter, Eckert Seamans’ Continuing Legal Education (CLE) Seminar, August 2011.
- “Digital Information Management,” Eckert Seamans’ CLE, August 2007.
- “Ethical Considerations in Retention and Production of Evidence,” CLE, May 2007.
- “Document Retention Strategies,” CLE, May 2007.