

Kain Spielman
Intellectual Property Attorneys

900 Southeast Third Avenue, Suite 205
Fort Lauderdale, Florida 33316
Telephone: (954) 768-9002
Facsimile: (954) 768-0158

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Patent - Trademark - Copyright - Computer Law
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Robert C. Kain, Jr. rkain@ComplexIP.com
Darren Spielman dspielman@ComplexIP.com

BIOGRAPHIC PROFILE ROBERT C. KAIN, JR.

Education:

B.E. in Electrical Engineering and B.S. in Engineering Science - Vanderbilt University (1976).

J.D., Vanderbilt University School of Law (1978).

Current Experience:

Kain Spielman, P.A., formerly Kain & Associates, Attorneys at Law P.A., ... Ft. Lauderdale, Fla.

Robert Kain is a Florida Bar Board Certified Intellectual Property Attorney. The firm limits its practice to intellectual property (patent, trademark, copyright, computer and trade secret) matters. Robert Kain is a specialist in Intellectual Property and has practiced exclusively in the intellectual property field for over 30 years. He has extensive experience in domestic and international prosecution and transactional matters involving patent, trademark, copyright, trade secret, unfair competition, computer law matters, Internet law and local and national litigation, mediation, arbitration and domain name UDRP dispute resolution. Robert Kain has over 30 years of experience in patenting computer hardware and software and protecting computer systems under copyright, trade secret and patent laws.

Practice involves all phases of intellectual property: patent, trademark, copyright, trade secret, computer and multimedia law, domain disputes, related litigation in state and federal courts, arbitration and mediation of I.P. matters, domain name dispute resolution and administrative actions before the U.S. Patent and Trademark Office and the U.S. Copyright Office. Internationally, we represent, through qualified foreign associates, clients before the European Patent Office and the Patent and Trademark Offices of

Canada, Mexico, Japan, Taiwan, Australia, U.K., Brazil and many other countries.

Practice also includes domestic and international business counseling and I.P. audits, licensing intellectual property and facilitating transfers of technology. Specifically involved in securing U.S. and foreign patents and trademarks for electrical, mechanical, computer hardware, software and biomedical products.

Professional Achievements:

Task Force Leader (2013 - 2015) for the Florida Bar - Business Law Section Computer Abuse and Data Recovery Act (CADRA) legislation. Drafted proposed law providing for civil penalties against computer hackers in Florida. CADRA was approved by the Florida Bar - Business Law Section, the Intellectual Property Law Committee, the Computer and Technology Law Committee and the Business Litigation Committee. CADRA has been introduced in the Florida House and Florida Senate. Currently monitoring progress of CADRA through the Legislature.

Vice Chairman (2013-2015) of the Florida Bar's **Computer Law Committee**, Business Law Section, Member 2000 to present.

Member (2013 - 2015) Florida Bar's **Legislative Committee** of the Business Law Section.

Chairman (FY 2010) and one of the founding members of **Florida Bar's Intellectual Property Law Certification Committee** (2006 - 2011). The Committee certifies other Florida Bar lawyer as being specialists in I.P. (Intellectual Property field). Appointed by the President of the Florida Bar to the Inaugural Intellectual Property Law Certification Committee 2006 - 2007; Member 2006 - 2011, Appointed by Florida Bar President as Vice-Chairman 2007 - 2008, Appointed Chairman 2009 - 2010.

Member **Florida Bar's Intellectual Property Law Committee** 1996 to present.

Member **Florida Bar's Business Law Section** 2000 to present.

Nationally recognized **Super Lawyer** 2014, 2013, 2012, 2011 and 2010.

Martindale-Hubbell **AV Preeminent Lawyer** 2011 - 2015 and continuously AV rated 1984 to present.

Florida SuperLawyer 2014 and 2013 as recognized by peer review.

Recognized as a **Top Lawyers of South Florida** 2014, 2013 and 2012 by peer review.

Speaker, **2007 - Revolutionary Times U.S. Patent Practice - Three Events Every Practitioner Should Know - the August 2007 Rule Change, KSR and Seagate Technology** CLE Seminar for several major Chinese and Japanese I.P. law firms.

Speaker, **Broward County Bar Association** CLE Seminar, *Countdown to Y2K - Are You Ready*, January, 1999; and author of *Overview of Y2K Issues...*

Panelist, **Florida Bar** CLE Seminar, *Potholes on the Infobahn - Practical Issues in Computer Law*, June, 1997.

Adjunct Professor of Law, **Nova Southeastern Law School**, Fort Lauderdale, Fla. Course: Patents. 1990 - 1995.

Guest Lecturer, **Nova Southeastern Law School**, Course: Trademarks & Copyrights, Topic: Copyright Protection for Computer Programs. 1993 - 1995.

Lecturer, **Florida Bar** Approved CLE 1990 - 1995, *Patents, Trademarks, Copyrights and Trade Secrets -- A Lawyer's Summary*.

Lecturer on intellectual property rights for the **Small Business Development Centers** and local trade and professional associations.

Florida Bar Designated Field of Practice 1990 - 1996 -- Patent, Trademark, and Copyright Law

Technical Experience:

Computer hardware and software programs, electrical, mechanical and biomedical devices, in general, and the following highly technical subjects: Internet-based computer systems, financial products and transactional computer patents, computer data security systems, video image processing, telecommunications, microprocessors, analog and digital control systems, semiconductors, radar, lasers, optical devices, fiber optics, radio, cellular phone systems, mobile communications, television, medical devices such as pacemakers, defibrillators, catheters, and ultra-sound systems, stents,

laproscopic devices, non-destructive testing methods and equipment, electrical power generators, metallurgical compositions, electrical power circuits, lamps, CD technology, VCRs, nuclear reactors and reactor control systems, and jet aircraft engines.

**Prior
Experience:**

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. Ft. Lauderdale, Miami, and Boca Raton, Fla., 2000 - 2008. Founding member. The Fleit, Kain firm specialized in intellectual property matters.

ROBERT C. KAIN, P.A. of Ft. Lauderdale & Miami, Fla., 1996 - 2000, firm specialized in intellectual property matters. From 2000 - 2008, this firm managed the Ft. Lauderdale Office of Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.. Practice involved all phases of intellectual property and related litigation.

CESARANO, KAIN & VAN DER WALL, P. L. . . . Miami, Fla.

Professional Limited Liability Company, 1995 - 1996. Members of the firm included Cesarano & Kain, P.A. and Robert J. Van Der Wall, P.A. The firm specialized in intellectual property matters.

CESARANO & KAIN, P. A. Miami, Fla.

CEO and shareholder, 1990-1996. The firm specialized in intellectual property matters.

1987-1990 -- Associate with the firm **Eckert Seamans Cherin & Mellott**, West Palm Beach, Fla. (formerly **Steele, Gould & Fried**, of Miami). Manager and founder of the Miami branch office of Steele, Gould & Fried during 1987-1990. Practice limited to intellectual property.

1986-1987 -- Associate with **John Cyril Malloy, P.A.**, Miami, Fla. Practice limited to intellectual property.

1984-1986 -- Associate with the Washington, D.C. law firm of **Fleit, Jacobson, Cohn & Price**. Practice limited to intellectual property. Extensive experience in domestic and international patent prosecution.

1982-1984 -- Patent attorney for **General Electric Company**, Large Steam Turbine-Generator Division. Handled a wide range of intellectual property

matters for the Division. Extensive experience in domestic patent preparation, computer control systems, and prosecution and domestic and international licensing of technology.

1981-1982 -- Patent attorney for **General Electric Company**, Washington, D.C. Bureau. Conducted numerous patentability, validity and infringement searches. Drafted patent applications, validity and infringement opinions for the Company.

1979-1981 -- Solo practice as **Robert C. Kain, Jr., P.A.**, Lauderhill, Fla. General practice including state and federal court litigation.

1978-1979 -- Staff attorney for **Legal Aid Service of Broward County, Florida**. State and federal court litigation involving health care matters for indigent.

**Professional
Licenses and Associations:**

Board Certified Intellectual Property Law Specialist, by the Florida Bar, intellectual property law specialist. 2008 - present.

Admitted to practice before the Florida Bar, District of Columbia Bar, New York State Bar, Southern and Middle Districts of Florida, Court of Appeals for the Federal Circuit, the Third, the Fourth, the Fifth and the Eleventh Circuit Courts of Appeal, and registered to practice before Patent and Trademark Office (Reg. No. 32,648).

American Bar Association, member: Patent, Trademark and Copyright Law Section and Law Practice Management Section; American Intellectual Property Law Association; Florida Bar, member: Computer Law Committee; Intellectual Property Law Committee, Dade County Bar and Broward County Bar Associations; South Florida Intellectual Property Law Association.

Publications:

Federal Computer Fraud and Abuse Act – Employee Hacking: Legal in California and Virginia But Illegal In Miami, Dallas, Chicago and Boston, Fla. Bar Journal, Jan. 2013, Vol 2013, No. 1.

Patent Must Describe Claimed Functions Since Non-Disclosure Invalidates Claimed Invention, Intellectual Property Today, 2009.

The Florida Bar Business Law Journal, Case Law Update 2009, contributing author,
The Florida Bar Business Law Journal, 2009, pp. 188 - 197.

Business Method Patents - Defining Your Viewpoints and Your Rights,
Florida Bar Journal, April, 2006, pp. 40 - 44.

A Competitor's Right to Copy, Intellectual Property Today, July 2004, pp. 28-31.

The Day the Music Died for Patent Owners, Intellectual Property Today, June
2001, pp. 10-11.

*Rolling a Ball Uphill: the Defense of a Domain Name under ICANN's
Dispute Resolution Policy*, Intellectual Property Update, Daily Business
Review, Sept., 2000 pp. 7-8.

*Corporate Names, Domain Names and Trademarks: Use and Registration
Required*, Daily Business Review, Florida Business Advisory Supplement,
Oct., 1999, p. 4

Overview of Y2K Issues and Solutions: Spotting the Problem Areas, paper
presented at CLE Seminar January, 1999, Broward County Bar Association

Computer Software Patents - Anything Under the Sun Made By Man, Florida
Bar Journal, Dec., 1996

*Independent Contractors and Computer Crimes -- The Impossible
Prosecution?*, 1 Boston U.J. Scien. Tech. Law 13, 1995.

*Should the Federal Circuit Vacate a Judgement of Patent Invalidity merely
because the Patent was not Infringed?*, ABA's Preview of U.S. Supreme
Court Cases, February, 1993.

Co-author, *Commercial Defamation and Trade Disparagement Under
Federal Law - The Newly Expanded Scope of Section 43(a) of the Lanham
Act*, Journal of Proprietary Rights, August, 1989.

Community Service:

Chairperson, Facilities Task Force, Broward County Schools 1993, vice-
chairperson 1992, member 1989-1997.

May 12, 2015
Page 7

Co-Chairperson, Student Assignment Committee, Broward County Schools
Controlled Choice Magnet Program, 1994-1995.

Member, Facilities/Technology Subcommittee for the Broward Education
Planning Initiative (Broward County School Board), 1993.
Vice-President Stirling Elementary PTA 1989-1997.

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