

Scott M. Kline



**Partner**

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Scott's practice focuses on corporate transactions, with an emphasis on intellectual property, technology contracting, licensing law, Internet and electronic commerce, and business strategy and advising.

Scott's background and expertise are unique because he has worked for many years as an executive within corporations. He has served as CEO and President, COO, General Counsel, Director and General Manager during his career. These positions have given Scott a unique understanding of the pressures under which his corporate clients operate. As a result, his practice and client base have grown not around particular areas as much as around particular clients who want a counselor with firsthand and long-term business experience.

Scott has also worked with venture capital firms and technology companies as an advisor. He has helped build and manage a diverse range of technology companies, including B2B Internet portals and distance-learning companies.

Scott has published numerous articles on legal, technology and educational issues, and has served as a contributor on educational projects including the Houghton Mifflin English Grammar and Composition textbook.

**REPRESENTATIVE EXPERIENCE**

Representative clients include American Airlines, the National Collegiate Athletic Association (NCAA), Blue Lion Capital, Genuitec, ExpressJet, Bank of Tokyo - Mitsubishi, Scorpion Offshore and Olathe Health System.

- Successful representation (at both trial and at Fifth Circuit) of the NCAA and the Illinois High School Association in trademark and domain name dispute regarding "March Madness" and the NCAA basketball tournament
- Representation of American Airlines in transactions to acquire and support the hardware, software, technical services and online operations that form American's business infrastructure, including Web hosting agreements, software license agreements and technology consulting agreements for the AA.com site and for American's worldwide operations
- Representation of ExpressJet (NYSE: XJT) in intellectual property matters
- Representation of Scorpion Offshore in outsourcing, contracting and related business transactions
- Representation of Blue Lion Capital in corporate and fund formation matters

**INDUSTRIES**

Aviation  
Biotechnology, Life Sciences and Medical Devices  
Finance  
Health Care  
Internet/E-Commerce  
Patents  
Private Equity  
Software/Electrical  
Sports/Entertainment  
Technology  
Technology and Emerging Companies  
Venture Capital

**PRACTICES**

Appellate  
Corporate  
Governance  
Intellectual Property Counseling and Litigation  
Intellectual Property Litigation  
Litigation  
Mergers and Acquisitions  
Patents  
Private Equity  
Technology and Emerging Companies  
Trademarks  
Venture Capital

**EDUCATION**

JD, 1988, *cum laude*,  
Harvard Law School  
BA, 1985, *summa cum laude*, Yale University,  
Phi Beta Kappa

## Scott M. Kline

- Representation of Olathe Health System in intellectual property and transactional matters
- Representation of American Airlines, Inc. (NYSE:AMR) in technology-related transactions with Orbitz, Microsoft, Graybar, Expedia.com, Nortel, Symantec, Sprint, Verizon, Boeing and Oracle
- Representation of American Airlines in multimillion dollar, multi-year telecommunications transactions with Société Internationale de Télécommunications Aéronautiques
- Representation of American Airlines in major technology initiatives with Hewlett-Packard and IBM involving a master agreement establishing a hardware and software alliance between the companies
- Representation of Nextwave Telecommunications in corporate and intellectual property matters
- Representation of Dallas-based Home Interiors and Gifts in its Web-based and electronic commerce activities
- Representation of Dogleg Right Corp., a manufacturer of new-generation golf clubs, in intellectual property licensing transactions with companies such as Nike
- Representation of Metallett, a high-growth enterprise software provider, in its corporate, finance and intellectual property matters
- Representation of Poly-America in transactional and intellectual property matters
- Representation of Metreos, a leading provider of Voice Over IP integration (VoIP) and solutions, in intellectual property and licensing matters and in its sale to Cisco Systems (Nasdaq: CSCO)
- Representation of Colonial Press in corporate publishing and intellectual property matters
- Representation of Electrolux in multinational negotiations and outsourcing, licensing and franchising agreements, and the establishment of Aerus as a new brand
- Representation of Goldcrest Investments in corporate and intellectual property matters
- Representation of Caprock International in corporate and fund formation matters

## PUBLICATIONS

- "Recommendation from the Trenches: Renegotiate your technology agreements now" (March 5, 2009)
- "Managing Confidential Relationships in Intellectual Property Transactions: Use Restrictions, Residual Knowledge Clauses, and Trade Secrets" *The Review of Litigation, The University of Texas School of Law* (May 1, 2006)
- "Attempting to Transfer Venue Based on Local Religious Bias" *The Trial Lawyers Guide, Vol. 36, No. 2* (1992)

## ADMISSIONS

Texas 1988

US Supreme Court

US Court of Appeals for the Fifth Circuit

US District Court for the Northern District of Texas

US District Court for the Eastern District of Texas

## Scott M. Kline

- "Advising Clients on the Distinction of Documents Prepared and Used to Formulate Discovery Responses: Perils and Pitfalls" *The Review of Litigation*, *The University of Texas School of Law* (Fall 1991)

### PROFESSIONAL RECOGNITION

- Named a "Super Lawyer" in Intellectual Property, *Super Lawyers Corporate Counsel Edition* (January/February 2009 and August 2008)
- Texas Super Lawyer in Intellectual Property, *Texas Monthly* (2005-2009)
- Named one of America's Best Lawyers, Forbes Business Channel, 2005

### BRIEFINGS, SEMINARS & SPEECHES

- Scott has been asked to testify on education and technology issues before the U.S. Congress.

### AFFILIATIONS

- Dallas Bar Association
- Board of Advisors, *The Review of Litigation*, *The University of Texas School of Law*
- Board of Directors, *The Gladney Center for Adoption/The Gladney Center Fund*

### IN THE NEWS

- "Google Hit With Yet Another Lawsuit (And Looser Trademark Policy Paves the Way for More)," by Wendy Davis, *Online Media Daily* (May 18, 2009)
- "Preventing ads from topping Google," *Marketplace* by American Public Media (May 15, 2009)
- "Google Pulls Trademark Restrictions for U.S. Ads," *Sci-Tech Today.com* (May 15, 2009)
- "Companies Object to Google Policy on Trademarks," by Migual Helft, *The New York Times* (May 14, 2009)
- "Suit Says Google Keyword Ads Infringe Trademarks," by Christie Smythe, *Law360* (May 12, 2009)
- "Big-Tex Firms' Pro Bono Hours Rose by Nearly 15 Percent in '07," by Jeanne Graham and Brenda Sapino Jeffreys, *Texas Lawyer* (July 28, 2008)
- "Mobile-Phone Programmer Wins Rights to 'March Madness,'" by Dan Slater with *The Wall Street Journal's Law Blog* (March 31, 2008)
- "Thinking of Using the March Madness Logo? The NCAA is Watching," by Dan Slater with *The Wall Street Journal's Law Blog* (March 28, 2008)
- "March Madness - A Great Trademark," *Legal Trade: A Blog About Lawyering*, by Mary Flood with *The Houston Chronicle* (March 14, 2008)
- "Think Like a CEO and Protect your IP and Brand—NCAA and March Madness," Interview on Forbes Business Channel on SkyRadio (March 2005)

### PRESS RELEASES

- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2009 (September 16, 2009)
- Thirty-Five Andrews Kurth Partners Named in Texas Super Lawyers 2008 (October 3, 2008)
- Thirty-Six Andrews Kurth Partners Named in Texas Super Lawyers 2007 (October 2, 2007)