

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), ExpressJet, Bank of Tokyo - Mitsubishi, Scorpion Offshore, Academy Sports + Outdoors 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 master agreements 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 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
- Representation of Academy Sports + Outdoors in intellectual property, corporate and e-commerce 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* (2008-2010)
- Texas Super Lawyer in Intellectual Property, *Texas Monthly* (2005-2010)
- 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

- 33 Andrews Kurth Lawyers Named in Texas Super Lawyers 2010 (September 10, 2010)
- 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)