



## E. Walter Van Valkenburg

Partner

Portland, OR

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### Industries Serviced

Health Care

Technology

### Service Areas

Antitrust & Unfair  
Competition

Copyright & Digital Rights

Economic Development

Health Care

Health Care Regulatory &  
Compliance

Health Care Transactions

Intellectual Property

Nonprofit Organizations

Privacy & Data Security

Technology & IP  
Transactions

Trademark & Advertising

### Bar Admissions

Oregon

### Education

Columbia University School  
of Law, LL.M., 1984

Willamette University College  
of Law, J.D., 1978, summa  
cum laude; Editor in Chief,  
Willamette Law Journal

University of Washington,  
B.A., 1975, cum laude

### ABOUT WALLY

Wally Van Valkenburg is a partner in the firm's Technology and Intellectual Property Group and co-leads the firm's privacy initiative. He has extensive transactional experience, including M&A, technology licensing, SaaS agreements, and other IP related contracts. He also advises clients on a wide range of regulatory matters, including privacy and data security, antitrust compliance, and consumer protection laws. He has been recognized by *The Best Lawyers in America*® in Antitrust Law, Copyright Law, Litigation - Intellectual Property, Patent Law, Technology Law, and Trademark Law.

Wally's subject matter expertise includes the following:

- Intellectual property, including patents, copyrights, trademarks, and trade secret protection
- Antitrust compliance, including issues arising in pricing, competitor collaborations, distribution, health care transactions, trade associations, joint ventures, and Hart-Scott-Rodino merger review
- Privacy and data security, including compliance and risk management

From 2006 through 2016, Wally served as Managing Partner for the Stoel Rives Portland Office. He also previously served as Practice Group Leader for the Technology and Intellectual Property Group and as a member of the firm's Executive Committee.

Wally was an instructor at Columbia University School of Law from 1982 to 1984, where he wrote a dissertation on constitutional theory and the First Amendment. After graduating from law school and before practicing law, he was a law clerk to Justice Edward H. Howell of the Oregon Supreme Court from 1978 to 1979.

## EXPERIENCE

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- Represented leading manufacturer of test and measurement equipment in numerous technology transfer transactions, including licenses and other transfers in connection with acquisitions and dispositions valued at over \$3 billion.
- Represented early stage manufacturer of building products in acquisition of license to core technology, including patents and know-how.
- Represented maker of footwear, apparel and equipment in negotiating and drafting various strategic alliances and intellectual property license agreements.
- Represented licensor in license of a software platform for the operation and maintenance of information technology systems related to payment systems and networks.
- Represented leading manufacturer of production laser systems for micro-engineering applications in strategic alliance involving exclusive distribution of laser systems and future system development.
- Represented developer of software systems for budgeting and planning in negotiating a strategic alliance with a developer of financial and strategic planning software and consulting in the health care industry.
- Represented developer of system for online insurance enrollment and benefit administration in large-scale system licenses.
- Provided antitrust compliance advice concerning a broad range of commercial transactions, including joint ventures, strategic alliances, product distribution and technology licensing.
- Represented numerous clients in connection with merger reviews by the Federal Trade Commission and Department of Justice.

### Representative Antitrust Matters

- *Healthco v. A-dec*, 1987-1988 - Our client, A-dec, was sued by a terminated distributor, who claimed the termination violated federal antitrust laws because it arose out of the distributor's competitive activities. We successfully defended both at the PI stage and on summary judgment.
- *Lattice Semiconductor v. Interface Electronics*, 1991-1993 - We represented Lattice in connection with an antitrust counterclaim brought by a terminated distributor. The distributor claimed it was terminated in furtherance of an illegal resale price maintenance scheme. The case was dismissed by the District Court, which was affirmed by the Ninth Circuit.
- *NW Medical Lab. v. Blue Cross and Blue Shield*, 310 Or 72, 794 P2d 428, 1990 - We represented the members of an integrated health care network who were sued by two ancillary service providers. Plaintiffs claimed the network's refusal to include the plaintiffs constituted an illegal group boycott. A bench trial resulted in judgment for our clients, which was upheld by both the Oregon Court of Appeals and the Supreme Court.
- *Parks v. Watson*, 716 F2d 646 (9th Cir 1983) - Putative developer of geothermal project sued our client, the City of Klamath Falls, for attempt to monopolize the market for geothermal energy. Case was dismissed on

summary judgment, reversed by the Ninth Circuit, and ultimately settled.

- *Southern Pacific v. AT&T*, 1985-1986 - We represented the former Bell Operating Companies that later became part of Qwest in one of the civil cases that followed the break up of AT&T.

## **HONORS & ACTIVITIES**

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### **Professional Honors & Activities**

- Named by [\*Best Lawyers\*](#)<sup>®</sup> as Antitrust Law "Lawyer of the Year," Portland, 2016 and 2018
- Included in [\*The Best Lawyers in America\*](#)<sup>©</sup> (currently: Antitrust Law, Copyright Law, Litigation-Intellectual Property, Patent Law, Technology Law, Trademark Law), 2006-2018
- Selected as one of "America's Leading Lawyers for Business" (Oregon) by [\*Chambers USA\*](#) (currently: Intellectual Property), 2009-2015
- Listed in *Who's Who in America* and *Who's Who in the World*
- Prior general counsel for the 1998 NIKE World Masters Games

### **Civic Activities**

- Board Chair, Greater Portland, Inc. (currently)
- Board Vice Chair, Portland State University Foundation (currently)
- Past Chair, Oregon Economic and Community Development Commission (appointed by the Governor, 2003-13)
- Past Member, Oregon Innovation Council
- Past Board Member, Oregon Business Council
- Past Board Member, Portland Business Alliance
- Past Chair, Multnomah County Legal Aid Services
- Past Chair, Antitrust, Trade Regulation, and Unfair Business Practices Section, Oregon State Bar
- Past President, American Civil Liberties Union of Oregon

## **INSIGHTS & PRESENTATIONS**

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- "The First Amendment in Cyberspace," *Oregon Law Review*, 1996
- "The Judge as Referee: Opinions of Justice Edward H. Howell," *Willamette Law Review*, 1995
- Author of various legal and business publications dealing with technology, intellectual property and antitrust law