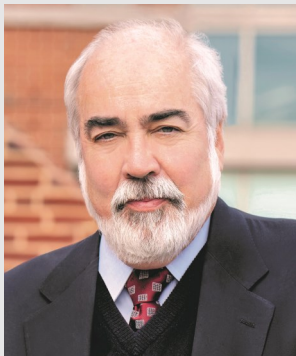


# Kip Schwartz

Partner



202.342.0413  
1054 31st Street NW,  
Suite 280  
Washington, D.C. 20007-  
4453

917.267.7280  
420 Lexington Avenue,  
Suite 2733  
New York, NY 10170-2701  
kschwartz@ulmer.com

## Practices/Industries

- Complex Business Litigation
- Employment & Labor Litigation
- Trade Secrets/Unfair Competition/Noncompetes
- Litigation & Dispute Resolution

## Education

Hamilton College  
(B.A., 1975)  
New York Law School  
(J.D., 1980)

## Overview

Kip has almost four decades of first-chair trial experience serving as lead counsel in state and federal courts throughout the United States. His litigation and trial experience includes complex civil litigation matters involving contract disputes, all variety of business torts, employment law matters, intellectual property, and alleged violations of the federal False Claims Act. An experienced trial lawyer, Kip has conducted more than 150 bench and jury trials. He also defends corporations from Federal Trade Commission and Food and Drug Administration enforcement actions. Over the last several years, Kip has been particularly involved in litigation involving misappropriation of trade secrets, shareholder rights in closely held corporations, breaches of fiduciary duties, and enforcement of restrictive covenants.

Kip's conflict resolution skills have been on display in numerous mediations, arbitrations, and other forms of alternative dispute resolution. Kip is an AAA-trained mediator and specializes in employment law and commercial disputes. In the 1980s, Kip served as a trial attorney for the Federal Trade Commission, leading federal court litigation teams responsible for prosecution of civil fraud cases. He also served as Corporate Counsel and Vice President of Barr Laboratories, Inc., a publicly held pharmaceutical company, and managed litigation for the company.

## Experience

Kip has extensive experience as a first-chair trial lawyer in a wide range of complex civil litigation matters, including:

- Represented a manufacturer in one of the first cases filed in the United States under the Federal Defend Trade Secrets Act ("DTSA"). Obtained injunctive relief against a competitor that had co-opted the client's chief technical officer, which led to a favorable settlement, including royalties and a constructive trust on all ill-gotten profits.
- Represented a minority shareholder in a shareholder oppression suit filed in Virginia state court against a large regional mortgage company, which resulted in a favorable settlement for the client.
- Defended a national bank in a Federal False Claims Act case and obtained dismissal of the Relator's claims on summary judgment.
- Secured an important victory for the then-emerging e-cigarette industry by turning back the FDA's attempt to regulate e-cigarettes as a new drug.
- Represented Washington, D.C. universities in employment discrimination cases.
- Represented the Washington Metropolitan Area Transit Authority in employment discrimination cases.
- Represented New York Life Insurance Company in a wrongful discharge and employment discrimination case.
- Represented Amtrak in a number of commercial disputes.

## Experience (Cont)

- Represented MAI Systems Corporation in a case that made new copyright law, insofar as independent service technicians were deemed to have committed an act of copyright infringement simply by loading MAI's proprietary operating system software into random access memory of the computer, thereby making an infringing "copy."

## Reported Cases

- *Newport News Shipbuilding Inc., et al. v. Dynamic Testing Inc.*, 130 F.Supp.2d 745 (E.D. Va. 2001)
- *Advanced Computer Science of Michigan, Inc., et al. v. MAI Systems Corporation*, 845 F. Supp. 356 (E.D. Va. 1994)

## Involvement

### Professional Affiliations

- American Bar Association (*Litigation, Employment, and Dispute Resolution Sections*)

### Community Involvement

- Citizens Association of Georgetown
- Represented local neighborhood association in efforts to stop a major, intrusive development project

## Honors & Distinctions

- AV Preeminent® - Martindale Hubbell

## Admissions

- District of Columbia
- State of New York
- U.S. Court of Appeals, District of Columbia
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Claims
- U.S. District Court, District of Columbia
- U.S. District Court, Maryland
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Southern District of Texas