



## Richard J. Nelson

Partner

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### Services

Brand Integrity and Innovation Group  
Criminal Defense  
Intellectual Property  
Litigation and Appeals

### Biography

Richard Nelson specializes in IP and fraud enforcement, with a focus on complex commercial litigation and internal investigations. Mr. Nelson has extensive jury trial experience in federal and state courts, having tried 32 cases to jury verdict. He has represented corporate clients in governmental investigations and individuals charged with white collar crimes. He has handled both litigation and arbitration involving contract disputes, claims of fraud, and unfair business practices.

A particular focus of Mr. Nelson's practice is working with corporations to assist them in internal investigations to determine evidence of fraud and other crimes committed against those corporations, and then working with law enforcement and prosecutors to obtain investigations and prosecutions of entities committing the crimes, through sentencing and restitution. His work in this area was profiled in the Corporate Crime Reporter, October 1, 2007.

Mr. Nelson served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Columbia from 1994 to 1999. In that role, Mr. Nelson was responsible for representing the United States in a wide range of criminal matters in both the local and federal court systems of the District of Columbia. He conducted grand jury investigations and prosecuted matters involving homicide, bribery, mail fraud, government contracts fraud, theft, and narcotics distribution. Mr. Nelson has significant trial experience in both the U.S. District Court for the District of Columbia and the Superior Court of the District of Columbia, and has argued and briefed numerous appeals before the D.C. Court of Appeals and the U.S. Court of Appeals for the D.C. Circuit. While serving as an Assistant U.S. Attorney, Mr. Nelson received Special Achievement Awards from the Department of Justice.

### Representative Matters

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## **Anti-Counterfeit Enforcement**

- Representing Cisco Systems, Inc., a leading manufacturer of network hardware, in coordinating criminal enforcement of the anti-counterfeit trafficking statute, which resulted in more than 30 criminal convictions from 2007 to the present
- Representing a major technology company (cellphones, semiconductors and other products) in counterfeit investigations and engagement with Customs and law enforcement
- Representing a major semiconductor company in counterfeit investigations and engagement with Customs and law enforcement
- Representing a major software company in counterfeit investigations and engagement with Customs and law enforcement
- Representing a leading manufacturer of computer hardware in counterfeit investigations and engagement with law enforcement in various states

## **Sales and Discount Fraud**

- Representing a leading manufacturer of computer hardware in promoting criminal discount fraud matters with law enforcement involving significant fraud schemes targeting sales discount programs; silver plattered discount fraud cases to law enforcement in various jurisdictions and obtained cooperation and federal investigations
- Representing Cisco Systems, Inc., in promoting discount fraud cases with law enforcement in significant fraud schemes that targeted sales discount programs
- Represented Cisco Systems, Inc. in a civil fraud action in the Northern District of California alleging sales discount fraud against a former channel partner; settled favorably before significant discovery

## **Warranty Fraud**

- Representing Cisco Systems, Inc., a leading manufacturer of network hardware, in promoting Brand Protection and warranty fraud cases with law enforcement, which has entailed working with the FBI, ICE, and other law enforcement agencies and federal prosecutors in more than twenty states, U.K., and Canada
- Representing Cisco Systems, Inc., in a civil case in Orange County as a plaintiff, against companies and individuals, alleging warranty fraud and discount fraud schemes

## **General Fraud**

- Represented a family trust in investigating a multimillion-dollar fraud committed against it by an individual in Hawaii, prepared a white paper detailing the evidence, and secured a criminal prosecution of the perpetrator of the fraud and a parallel civil settlement restoring the defrauded money to the client

## **Business Crimes Defense Representations**

- Represented a doctor accused of trafficking in controlled substances based on prescriptions provided through an Internet medical service, securing a deferred prosecution agreement with no prison time and a small fine

- Represented an individual accused of insider trading in an SEC investigation, obtaining non-prosecution following a Wells submission
- Represented a high-ranking executive in a DRAM antitrust investigation in the Northern District of California, eventually securing a favorable plea agreement with the government

### **Civil Litigation Representations**

- Represented an individual in an insider trading investigation by the Securities and Exchange Commission and persuaded the SEC to refrain from bringing a civil action
- Represented an investment company in a civil fraud action brought by Goldman Sachs, resulting in a favorable settlement following a hearing on summary adjudication motions
- Secured dismissal of all causes of action brought in an action in the Northern District of California against a Swiss law firm for allegedly assisting in money laundering
- Represented a company and an individual in litigation brought by the Securities and Exchange Commission alleging improper use of proceeds; settled with the SEC before trial
- Represented a general contractor against a hospital for misrepresentations about the presence of asbestos at the work site, obtaining a consent decree and an award of attorneys' fees and costs
- Represented Borders Books & Music in a civil antitrust action brought by an association of independent booksellers, obtaining a favorable settlement following partial grant of summary judgment and after four days of trial
- Represented First American Title Company in a civil antitrust action asserting that its control of a title plant was an essential facility, obtaining summary judgment in favor of the client, and successfully defended that judgment in an appeal to the Ninth Circuit
- Represented a franchisee against its franchisor in a state court action alleging breach of contract and trademark infringements, resulting in a favorable settlement for the client following eight days of trial in Los Angeles
- Represented a bidder on a government contract in a qui tam action, obtaining major restitution from the company that fraudulently procured the contract

### **Decisions**

- Lyons v. Chinese Hosp. Ass'n., 136 Cal.App.4th 1331 (2006)
- Inter-County Title Co. v. First American Title Co. of Nevada, 259 F.Supp.2d 1107 (D. Nev. 2003)
- American Booksellers Ass'n., Inc. v. Barnes & Noble, Inc., 135 F.Supp.2d 1031 (N.D. Cal. 2001)
- U.S. v. Henry, 48 F.3d 1282 (D.C. Cir. 1995)
- U.S. v. Strothers, 77 F.3d 1389 (D.C. Cir. 1996)
- American Frozen Food Institute, Inc. v. U.S., 855 F.Supp. 388 (Ct. Int'l. Trade 1994)

### **Professional Involvement**

Richard Nelson has been the national co-chair of the Computer Crime, Intellectual Property and Trade Secrets Subcommittee of the American Bar Association's White Collar Crime Committee, 2007-2015.

Mr. Nelson has been the program co-chair for four ABA National Institutes on Criminal Enforcement of Intellectual Property Rights (D.C., 2007 and 2009; San Francisco, 2008 and 2010).

Mr. Nelson has been a member of the IPR Enforcement Subcommittee to the Departmental Advisory Committee on Commercial Operations of the Bureau of Customs and Border Protection, from 2008-2010.

Prior to joining Sideman & Bancroft, Mr. Nelson was a partner with Sidley Austin Brown & Wood LLP, and before that a litigation partner with IP boutique Skjerven Morrill LLP in San Francisco.

Following graduation from law school, Mr. Nelson served as a law clerk to Judge Kenneth Ripple of the United States Court of Appeals for the Seventh Circuit.

## Publications

- Co-author, "Confronting the Gray Market in Korea and the U.S.," Today's General Counsel, 2016
- Panelist, "What Law Firms Expect From New Lawyers," ABA Roundtable, 2013
- Co-author, "Brand Owners Need to Be Reliable Victims," National Law Journal, 2015
- Co-author, "4 Best Practices to Protect Your Company from Discount and Warranty Fraud," InsideCounsel, 2013
- Co-author, "How Big is Big? Measuring the Metrics of Your Anti-Fraud Program," InsideCounsel, 2013
- Co-author, "Best Practices for Making a Referral to Law Enforcement on a Fraud Case," InsideCounsel, 2013
- Co-author, "5 Ways to Protect Your Company From Discount Fraud," InsideCounsel, 2013
- Co-author, "5 Ways to Prevent Discount and Warranty Fraud," InsideCounsel, 2013
- Co-author, "5 Steps to Protect Your Company Against Warranty Fraud," InsideCounsel, 2013
- Co-author, "How to Use Internal Procedures to Protect Your Company from Discount Fraud," CRN, 2012
- Co-author, "How to Develop Intelligence to Protect Your Company from Discount Fraud," CRN, 2012

## Speaking Engagements

- Richard Nelson Moderates Panel at the 2019 International Law Enforcement IP Crime Conference
- Zachary Alinder and Richard Nelson on "Alternative Fee Arrangements & the End of the Billable Hour" for BASF panel
- Sideman & Bancroft hosts the 2017 AGMA Americas Winter Conference
- Kelly McCarthy and Rick Nelson present "The Two Towers Of Evil: Fighting Gray Market And Counterfeiting In The Personal Care Industry" at The Personal Care Products Council's 2016 Legal and Regulatory Conference

## Education

Santa Clara University  
*B.A. 1982, cum laude*

Georgetown University Law Center  
*J.D. 1989, magna cum laude; Order of the Coif; Articles Editor, Georgetown Law Journal*