



TACTICAL LAW



Pamela K. Fulmer **Partner**

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Education

University of California, Hastings College of the Law, J.D. 1991 (Cum Laude, Order of the Coif, Thurston Society)

Miami University, Bachelor of Arts Degree, 1985 (Cum Laude, Phi Beta Kappa)

Pam Fulmer has over 28 years of experience litigating and advising clients on all types of intellectual property and commercial disputes. Her cases have included copyright, trademark, trade secret and patent infringement, as well as privacy related lawsuits. Pam also has deep experience in lawsuits involving issues of false advertising, unfair competition, trade libel, licensing, and other complex disputes. In addition to her intellectual property practice, Pam has broad experience across industries, representing technology and consumer products clients in high-stakes commercial litigation. This litigation has included breach of contract cases as well as lawsuits raising claims of misrepresentation, breach of fiduciary duty, breach of the implied covenant of good faith and fair dealing and other business torts.

In addition to her litigation practice, Pam has a great deal of experience defending software audits by companies including **Oracle Corporation, Oracle America, Inc., Quest Software** and others and has dealt with various Oracle related issues such as **VMware virtualization and hosting**, and a number of other areas of claimed under-licensing. She has worked with her clients to develop strategies to mitigate these issues and successfully pushback on audit findings.

Pam started her career as an associate at **Howard Rice Nemerovski Canady Falk & Rabkin** (now Arnold & Porter), making partner in 1998. After leaving Howard Rice in 2005 after 14 years, Pam has been a **partner** at some of the largest and most prestigious international law firms in the



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world including **Jones Day, DLA Piper** and **Dentons**. Her practice has been a mix of intellectual property and commercial cases, with a focus on practical and cost-effective solutions to her clients' problems. Although many of her clients are located in the Bay Area, her practice is national in scope and she has litigated cases across the United States. She co-founded Tactical Law Group LLP in 2016 after 24 years of big law firm practice.

In addition to her litigation practice, Pam also counsels clients on IP and other business issues. She has seen first-hand how bad contracts can cause big problems, and she works closely with her clients to assist in the negotiation of all different types of business agreements. Pam also assists with the drafting of website terms of use, privacy policies and other documents involving the conduct of business on the Internet.

Pam has represented clients in courts and arbitral forums across the country. Her cases have included technologies involving e-commerce and the Internet, cellular communications, streaming media, ad serving, email messaging and security, cloud, telecommunications, computer hardware and software, medical devices, pharmaceuticals, water filtration technology, biotechnology, sports and consumer products. She is adept at developing cost-effective strategies to successfully resolve litigation on behalf of her clients.

A trusted advisor to technology, consumer products and other companies, Pam works hard to understand her clients' business in order to deliver the very best legal advice.

Admissions

California

Honors and Professional Awards

- Recognized by *The Best Lawyers in America 2016-2019*, Trademark Law
- Selected by *The Recorder* as a Women Leaders in Tech Law in 2017
- Winner 2015 Clients Choice Award in the Intellectual Property: Trademarks category for California
- Recognized in the 2013-2019 editions of "IP Stars" by *Managing Intellectual Property* magazine
- Recognized in 2016-2019 as one of the "Top 250 Women in IP in the World" by *Managing Intellectual Property* Magazine
- Recognized in 2013-2015 as one of the "Top 250 Women in IP in the United States" by *Managing Intellectual Property* magazine
- Listed multiple years as a Northern California "Super Lawyer" by *Law & Politics* and *San Francisco* magazines

Presentations

- "Navigating Oracle Audits," a joint presentation with Dave Welch of House of Brick (August 2018)
- "Copyrights in Flux," Intellectual Property Owners Association Annual Meeting, Chicago, 2015
- "Office Talk: Women and Men in Conversation," Arent Fox + Leading Women in Technology, San Francisco, 2015



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- "Are Trade Secrets the New Patents?" General Counsel West Conference, San Francisco, 2014
- "Information Technology Litigation: Current Topics," Practicing Law Institute, San Francisco, 2014
- "Inside Women's Power Circles That Are Changing the Face of Business Creating the Perfect Balance to the Old-Boy Network," *Stiletto Network*, San Francisco, 2014
- "Forum Selection and Dispute Resolution Clauses," San Francisco, 2013
- "Competitor Actions for Breach of Privacy and Social Media Obligations," Palo Alto and San Francisco, 2013
- "Recent Changes in the Law of Patent Infringement Damages," Palo Alto and San Francisco, 2012
- "Top 10 Biases Encountered in International Dispute Resolution," The Fourth Annual California International Arbitration Conference, Santa Clara, 2009

Publications

- [Licensing Oracle Software in Cloud Environments](#), Northern California Oracle Users Group, Volume 31, No. 3, August 2017, co-authored with Nathan Biggs
- Business Litigation Insights: Six Tips for Perfecting Your Contract Before a Dispute Arises (2012)
- How Software Developers Can Protect Their Rights in the Aftermath of *In re Bilski*, *The Computer & Internet Lawyer*, Vol. 27, No. 6 (2010)

- Goodbye Boiler-Plate: Practical Advice for Drafters of Domestic and International Arbitration Agreements, 3 *World Arb. & Mediation Rev.* 912009

Professional Activities

- ProVisors, Member, 2017-2018
- Member, International Association of Privacy Professionals
- Intellectual Property Owner's Association, Member, Trade Secrets and Women's Committee 2016
- Intellectual Property Owner's Association, Member, Copyright Committee, 2015 and 2017
- Bar Association of San Francisco, Board of Directors (2012-2014)
- Bar Association of San Francisco Foundation, Board Chair (2010-2012)
- Advisor to the Executive Committee of the International Law Section of the State Bar of California (2013-2015)
- Northern District of California Historical Society, Board of Directors (2005-Present)
- Master, The Edward J. McFetridge American Inn of Court
- Past Member, Bay Area Intellectual Property Inn of Court
- The Club Silicon Valley, Membership Committee (2013-2017)
- Family Dog Rescue, Board of Directors (2016-2018)
- Extern, The Honorable Marilyn Hall Patel, United States District Court for the Northern District of California (Winter, Spring 1991)