SHARTSIS FRIESE

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James P. Martin

PARTNER

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Drawing on more than 30 years of experience—and a background in engineering and industry—James Martin delivers practical, business-focused strategies that help clients turn IP assets and innovation into competitive advantage while managing risk in a fast-changing global marketplace.

James Martin partners with technology companies, nonprofit organizations, entrepreneurs, and creative businesses to protect, enforce, and commercialize their intellectual property. As Chair of the firm's Intellectual Property Group, he is known for his ability to translate complex technology into clear legal frameworks, negotiate high-value transactions, provide strategic advice, and lead litigation teams to successful outcomes. His practice spans technology transactions and counseling, intellectual property litigation, portfolio strategy and specialized services for industries ranging from software and electronics to consumer products, wineries, and the arts. Prior to practicing law, James worked for Hewlett-Packard and IBM, giving him firsthand understanding of how technology businesses operate and what they need from legal counsel.

AREAS OF EXPERTISE

Intellectual Property

Corporate

Competition & Preparations to Compete

Copyrights

Licensing

Open Source

Patents & Freedom to Operate

Trade Secrets

Trademarks

Mergers & Acquisitions

Technology Transactions

Litigation

Intellectual Property Disputes

Wine Industry

EDUCATION

University of Michigan Law School; J.D., *cum laude*

University of Florida; B.S., electrical engineering, *highest honors*; Minor in business administration

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Technology Transactions and Counseling

James acts as outside general counsel to companies ranging from early-stage startups to publicly traded corporations, helping clients navigate and negotiate complex transactions involving a broad array of technologies. He develops tailored intellectual property protection plans, advises on legal and regulatory issues for online websites and platforms, and guides employers and employees on trade secret issues and restrictive covenants. James also represents executives in employment negotiations and in preparation for competitive transitions and conducts intellectual property due diligence in connection with mergers, acquisitions and investments.

Representative experience includes:

- Inbound and outbound licensing of software, technology, content and brands
- Research, development, strategic alliance and co-branding agreements
- Software and SaaS agreements, mobile app terms, hosting and escrow arrangements
- Sales and distribution agreements (reseller, OEM, representative)
- Outsourcing, manufacturing, supply and master services agreements
- Employment, contractor, confidentiality and invention assignment agreements
- Internet terms of use, and e-commerce backbone agreements
- Open source software compliance, auditing and licensing
- Executive employment negotiations and competition counseling
- IP due diligence for mergers, acquisitions and investments

Intellectual Property Litigation and Strategic Enforcement

James is a seasoned first-chair trial lawyer who has successfully represented clients in jury and bench trials of intellectual property and commercial disputes. He collaborates closely with the firm's trial teams to develop and execute litigation strategies that align with clients' goals, budgets and risk tolerances. His approach emphasizes early, business-minded resolution strategies and informed client decision-making.

BAR ADMISSIONS

California

United States Patent Bar

ACCOLADES

2026 Legal 500 US City Elite – San Francisco, Intellectual Property, Level 3



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Representative experience includes:

- Patent infringement litigation in software, hardware, semiconductors, electronics and e-commerce
- Trademark prosecution and defense across technology, consumer goods, financial services, and wine and food industries
- Copyright disputes involving mobile apps, digital content, DMCA claims and fair use
- Trade secret misappropriation, fiduciary duty, noncompete and unfair competition cases
- Internet-related litigation including cybersquatting, defamation and privacy
- Complex breach of license, contract, false advertising and other IP-related commercial disputes

Freedom To Operate and Invalidity Opinions

James analyzes patents and patent portfolios, and provides IP portfolio management and strategic planning counseling, as well as freedom to operate and validity opinions.

Litigation Analysis

James also analyzes patent and intellectual property litigation for hedge fund and investment adviser clients, offering insights into significant cases of market impact. He provides legal analysis relating to trials, motions, claim construction hearings and other significant events in cases in which the firm is not representing one of the litigants. Our clients have made successful investment decisions based in part on the information provided through this unique service.

Industry-Focused Services

James advises clients on building and managing patent and trademark portfolios, conducting trade secret audits, and providing strategic advice regarding the procurement and protection of intellectual property. Beyond high-tech sectors, he supports clients in creative fields, such as authors, artists, nonprofit organizations, wineries, restaurants and entrepreneurs, advising on intellectual property strategy and negotiating technology and content licensing agreements.

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Representative Clients:

James has worked with organizations including the George Lucas Educational Fund, Burning Man Project, Simpson Manufacturing Co., and Arista Networks.

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