



## Susan Freya Olive Attorney

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**Susan Freya Olive**, our managing attorney, has more than 40 years of experience in intellectual property law and litigation.

### A Legacy of "Being First"

She is the daughter of the firm's founder, B.B. Olive, who in 1957 opened the first private IP practice in what would become the prestigious Research Triangle Park area of North Carolina.

Like her father, Susan has continued the firm's legacy of "being first." She was the first woman to head the N.C. Intellectual Property Bar, the N.C. Federal Bar Advisory Council, and the N.C. Board of Law Examiners. She was the first woman to be elected president of the Durham County Bar and the Fourteenth Judicial District NC Bar. She was the only woman named among the "Legal Elite" of IP attorneys in North Carolina in the early years of that award. And she has since been inducted into the "NC Business Legal Elite Hall of Fame" for her unparalleled accomplishments in intellectual property law.

She was the founding chair of the N.C. Bar Association's Committee on Law and Technology, and she chaired

the NCBA's Mental Health Law Committee. Her peers have shown their regard for her abilities by selecting her as North Carolina's top Patent/Intellectual Property attorney.

Her clients include major research universities, smaller colleges, private institutions, academic presses, scholarly organizations, big corporations, tech industries, entrepreneurs, and individuals with IP needs. She is widely known as someone who gets results. Her legal victories have made news in the U.S. and in Europe.

## The IP Lawyer Other Lawyers Turn To For Help

Susan is the lawyer who is called on to help when other attorneys run into trouble in IP cases. She serves as a primary defense counsel for the state's largest legal malpractice insurance provider. In that role, she is brought in to prevent or reduce the damage when an IP case goes south. She takes great pride in often being able to fix the problem and get the case back on track so that neither the client nor the lawyer is unduly harmed.

At Olive & Olive, Susan has been involved in all aspects of our practice over the years. Currently, she supervises the firm's dispute and litigation practice. She maintains her own litigation caseload, in addition to handling mediation, arbitration, and other alternative dispute matters. She also negotiates, drafts and executes IP contracts and agreements.

She has an academic background in chemistry, computer science, and biomedical engineering. She brings a practical, solution-oriented business orientation to her law work.

## Writer, Lecturer and Community Volunteer

Susan has authored numerous papers in the field of intellectual property and is a highly-sought lecturer. She has been invited to share her expertise with a remarkably broad range of professionals, including lawyers, paralegals, nuclear physicists, physicians, medical researchers, software engineers, home builders, designers, authors, and artists. She has presented papers on intellectual property law and related litigation issues to

research institutions in NC and nationally. She serves as a resource to news media on IP issues.

Like her father – and everyone at Olive & Olive – Susan is active in her community. She works closely with Urban Ministries of Durham, a homeless shelter and community café. For several years, she chaired the Urban Ministries board of directors. She also spearheaded an endowment drive to expand and improve the facilities for that organization.

Susan is able to meet all of your IP-related legal needs. She is admitted to practice in all of North Carolina's state and federal trial courts, as well as the Courts of Appeals for the Fourth Circuit, Federal Circuit, and Armed Forces, and the U.S. Supreme Court.

## Areas of Focus

- Patents, trademarks and copyrights
- Intellectual property litigation and infringement lawsuits
- Administrative disputes in the US Patent and Trademark Office
- Domain disputes
- Trade secret litigation
- Disputes in related IP areas
- International IP law

## Off hours

Susan enjoys her family, cooking, jewelry-making and relaxing with interesting books.

## Did you know?

Susan loves her Havana silk dog Besita (Spanish for “little kiss”), who is the head of canine development at Olive & Olive. Stop by the office and say hi to both Susan and Besita.

## Practice Areas

- Alternatives to Litigation
- Contracts - Agreements
- Disputes
- Domain Disputes
- Trademark Enforcement
- Copyright Enforcement
- International IP Protection
- Lawsuits
- Patent & Trademark Office Proceedings
- Related Matters Worldwide
- Patents
- Utility Patents
- Design Patents
- Plant Patents
- Trademarks
- Selection
- Protection & Maintenance
- Copyrights
- Scope & Protection
- Ownership & Negotiations
- Internet
- Domain Names

## Education

- Brown University (A.B., 1974) Majored in “The Medical-Legal Interface” – an independent major that combined science and technology courses (chemistry, biochemistry, calculus, computer programming, physiology) with a project in the biomedical engineering field that tested the safety and utility of tubing for heart-lung machines and also included courses in the sociology of law and medicine
- Duke University School of Law (J.D. with honors, 1977)

Susan has maintained her academic interests, authoring numerous papers in the field of intellectual property law and lecturing widely around the United States to groups ranging from lawyers to nuclear physicists,

physicians and medical researchers, technology transfer officials, software engineers, publishers, homebuilders and designers, authors, and artists. Topics have ranged from introductory seminars on patent, trademark, and copyright law, to more specialized topics, both in the intellectual property field (for example, "Integrated Protection of Computer Programs," "Work for Hire and 'Who Owns What' Issues in Intellectual Property," "Fair Use of Art," "The America Invents Act," and "Too Big to Fail: Intellectual Property and Big Data") to trial-oriented seminars such as "Practice and Procedure in the Federal Courts of North Carolina" and "Cross-Examination of the Technical Expert Witness."

## Affiliations and Honors

Susan has headed numerous legal committees and associations. She served three terms as the chair of the North Carolina Bar Association Intellectual Property Law Committee, was the founding chair of its Law and Technology Committee, and is past-president of the North Carolina Federal Bar Advisory Council, the North Carolina Association of Women Attorneys, the 14th Judicial District Bar and the Durham County Bar Association. She served as chair of the North Carolina Board of Law Examiners and as a member of the North Carolina General Statutes Commission. She is a permanent member of the Fourth Circuit Judicial Conference.

Susan was the first woman elected to Business North Carolina's "Legal Elite" in patent/intellectual property law, is a member of its "Legal Elite Hall of Fame" in patent/intellectual property law, has been repeatedly selected as a North Carolina "Super Lawyer" since the inception of that program, and is a member of the national honorary trial lawyers association, Litigation Counsel of America.

### **States and Districts Admitted to Practice**

- North Carolina – all state courts (1976)
- U.S. Court of Military Appeals (1976)
- U.S. District Court, Eastern and Middle District of North Carolina (1977)
- U.S. Court of Appeals, Fourth and Federal Circuits (1977)
- U.S. District Court, Western District of North Carolina (1984)
- U.S. Supreme Court (1984)

## Memberships

- Fourth Circuit Judicial Conference (Permanent member)
- American Bar Association – Intellectual Property Law Section and Co-Chair, Subcommittee on Patent/Trade Dress Interface)
- American Bar Association – Franchising Section
- American Bar Association – Forum Committee on Science and Technology
- North Carolina Board of Law Examiners (Emeritus member – Board member 1993-2007, First female Chair of Board 2003-2004, Chair 2006-2007)
- N.C. Bar Association - Board of Governors (1988-1991)
- N.C. Bar Association - Committee on Law and Technology (Founding Chair 1989-1991)
- N.C. Bar Association - Committee on Intellectual Property Law (Three-term Chair; First woman to serve in that position 1984-1987)
- N.C. Bar Association – Committee on Long Range Plan Implementation (Chair 1997-1999)
- N.C. Bar Association – Committee on Mental Health Law (Chair 1982-1984)
- N.C. Bar Association – Intellectual Property Law Section (Member and Section Council Member 1989-1993 and 2007)
- N.C. Bar Association – Bar Center Cabinet (1994-1996)
- N.C. Bar Association – Steering Committee (1987-1988)
- N.C. Bar Association – Nominations Committee (1983-1984)
- N.C. Bar Association – Litigation Section and Constitutional Rights and Responsibilities Section (member)
- N.C. Advocates for Justice (Board of Governors)
- N.C. Advocates for Justice (Chair, Small Office Practice Section 2012-13)
- U.S. District Court, Eastern District of North Carolina - Intellectual Property Rules committee (Member 2006 – 2009)
- U.S. Middle District Court of North Carolina – Research Committee for Court Annexed Arbitration (1985-1989)
- U.S. District Court, Middle District of North Carolina – Attorney Qualification Review Committee (1984)
- Ninth Judicial District of North Carolina (Special Counsel 1977-1979; Treasurer 2009-2012; Vice-Chair 2012-2013)
- National Conference of Bar Examiners Technology Committee (2005-2006)
- North Carolina General Statutes Commission (Commissioner 1991-1997)
- North Carolina Association of Women Attorneys (President 1993)
- North Carolina Federal Bar Advisory Council (Chair 1989-1990, First female chair, Four-term member 1984-1993)
- North Carolina State Bar – Out of State Mergers Committee (1984-1985)
- The American Association for Justice
- Carolina Patent, Trademark and Copyright Law Association
- Durham County and Fourteenth Judicial District NC Bars (Past President, First woman to be elected to those positions)

## Recognition and Honors

- “Legal Elite” – Selected by North Carolina lawyers as one of NC’s best intellectual property attorneys each year since *Business North Carolina* magazine’s “Legal Elite” compilation began (the first woman so honored)
- “Legal Elite Hall of Fame” – Elected as a permanent member of the “Legal Elite”
- North Carolina “Super Lawyer” - has appeared in multiple Super Lawyers Publications and gotten multiple awards (2006 - 2020)
- “Top 50 Female SuperLawyers” (from the inception of ranking)
- Litigation Counsel of America – National trial lawyer honorary society (Fellow)
- “2018 Top Rated Lawyer in Intellectual Property” based on Martindale Hubbell peer review rankings
- 2018 Albert Nelson Marquis Lifetime Achievement Award – Marquis Who’s Who
- Litigation victories have been the subject of articles in various journals including *The National Law Journal* (United States) and *Trademark World* (United Kingdom/Europe)
- Advisor to the North Carolina Secretary of State’s office on trademark matters
- Testified before the NC legislature on IP matters at the Secretary of State’s request
- Testified before the NC legislature IP matters on behalf of the NC Bar Association
- Assisted the Secretary of State’s Office in drafting amendments to North Carolina’s Trademark Act.
- Lecturer and writer at state and national educational programs on IP law and related litigation issues for lawyers, business leaders, the medical profession and the arts community
- Frequent news media source on IP issues

## Publications and Presentations

- “Patentable Subject Matter in the Post-Bilski Era” (NC Bar Association seminar and paper)
- “An Inventive Approach to Mental Health & Substance Abuse” (NC Bar Association seminar and paper)
- “Intellectual Property: a Primer” (NC Bar Association seminar and paper)
- “Technology & the Practice of Law” (NC Bar Association seminar and paper)
- “The Internet & You” (NC Bar Association seminar and paper)
- “Communication in a Digital World” (NC Bar Association seminar and paper)
- “Copyright & the Works of Attorneys” (NC Bar Association seminar and paper)
- “New Rules at the Board of Patent Appeals & Interferences” (NC Bar Association seminar and paper)
- “When and How to Seek Rule 11 and Rule 37 Sanctions” (NC Bar Association seminar and paper)
- “Limitations on Trademark Protection: Fair Use and the First Amendment” (NC Bar Association seminar and paper)
- “Copyrightability of Compilations After *Feist Publications, Inc. V. Rural Telephone Service Co*” (NC Bar Association seminar and paper)
- “Practice and Procedure in the Federal Courts of North Carolina” (NC Bar Association seminar and paper)
- “Integrated Protection for Computer Programs” (NC Bar Association seminar and paper)
- “Work for Hire Issues, Who Owns What?” (NC Bar Association seminar and paper)
- “Publishing Contracts” (NC Bar Association seminar and paper)
- “Copyright Basics” (NC Bar Association seminar and paper)

- “Trademark Basics” (NC Bar Association seminar and paper)
- “Copyright Basics for the General Practitioner” (NC Bar Association seminar and paper)
- “Protection of the Computer Hardware and Software Product: A Primer” (NC Bar Association seminar and paper)
- “Brief Introduction to Trademarks and Copyrights” (NC Bar Association seminar and paper)
- “Protection of Trademarks and Trade Secrets” (Entrepreneurship Conference at Duke’s Fuqua School of Business)
- “Cross-Examination of the Technical Expert Witness” (continuing education program of the UNC School of Law)
- “Issues in Copyright” (nationally teleconferenced program produced by the North Carolina Department of Community Colleges)
- “Patents, Trademarks, Copyrights and Trade Secrets” (half-day workshop for the Southern Section of the Society of Research Administrators – teaching manuscript has been widely used at Southern universities)
- Intellectual Property Workshops (presented to Minority Business Economic Development Council, Conference of Southern Presses, and Southern and Eastern Sections of the Society of Research Administrators)

## Community Involvement

Active in community service, Susan’s work over the years has included decades of service as a board member, treasurer, and chair of organizations that assist the mentally ill, prisoners, and the homeless; providing advice and assistance to arts, literary, and entertainment associations; and teaching within her church.

- Duke Law Alumni
- Duke University Alumni
- Urban Ministries of Durham (Homeless Shelter) – Board Vice-Chair
- Urban Ministries of Durham – Incorporated the UMD Endowment, Volunteer on endowment campaign, past Board Chair and Treasurer
- Durham County Bar Association Public Service Committee - Co-Founder and Co-Chair
- Volunteer Lawyers for the Arts – Member/participant
- Brown University National Alumni Schools Program - Regional Chair 1977-2004
- Mental Health Association in Durham County - Board of Directors 1979-1983 and Chair, Legislation Committee 1980-1982
- Durham Young Lawyers Association – Board of Directors 1978-1979
- North Carolina Prisoner Legal Services (largest legal services program in NC) – Board of Directors, Past Chair and Treasurer
- Philip’s Episcopal Church, Durham, NC – Member, Past vestry member, Sunday School teacher, Youth group leader, Lector