

## H. Thomas Davis, Jr.

Partner

Chair, Intellectual Property Department



### contact

28 Liberty Street  
New York, New York 10005  
D / 212-238-8850  
[davis@clm.com](mailto:davis@clm.com)

I'm a responsive and seasoned attorney with five decades of knowledge that I apply to my clients' issues. I know what can happen in almost any situation and how people get themselves in trouble. Therefore I also understand the strategic calculus required to help get them out of trouble, and, better yet, prevent problems from arising in the first place. Because I've virtually seen it all and handled it all, I prefer to use a calm, cordial, supportive, and rational approach, which my clients seem to appreciate.

Bringing a global outlook to his practice and with many years of experience in advising on large and small business deals, Tom Davis represents national and international clients in their transactional, corporate, and intellectual property matters. Tom draws on his in-depth knowledge of technology transfer to counsel software and technology companies, placing a special emphasis on licensing, franchising, distribution, and sales agreements in areas including medical technology, defense, and other various service sectors. He also advises early-stage companies.

Tom excels at reading and analyzing commercial contracts and licenses and explaining to his clients what they mean and what potential pitfalls they contain. He sees these reviews as exercises in imagination to predict how a poorly worded section or an omitted sentence can increase risk and cause problems down the road. Tom finds it gratifying to spot these perils for his clients and suggest how they can best be fixed.

In running a practice with a decidedly international bent, Tom has cultivated an uncanny ability to educate clients from countries such as Japan, England, and Denmark on both the big-picture perspectives and nuanced details of American law, business, and culture. He also provides clients operating in other countries in-depth and accurate assessments of the U.S. political scene and its salient current events and issues, which adds value to the client service he delivers. Tom enjoys helping companies enter the U.S. market and establish their organizations here while avoiding mistakes such as ignoring non-discriminatory practices or failing to pay taxes. He has been active in two international legal networks and served as chair of one of them.

Earlier in his career, Tom worked as the senior in-house tax lawyer at a Fortune 500 corporation, which enhances his ability to counsel clients on complex cross-border transactions from an in-house perspective. He also previously served as managing partner at a large New York firm and sat on Carter Ledyard's Executive Committee for 12 years.

Tom handles all matters with an eye toward maximizing efficiency and respecting the bottom line and cost concerns. He always strives to have clients focus on their primary objectives and then works to achieve outcomes that best fit these frameworks.

## Experience

- Advised the owners of a public relations firm on the sale of their business and subsequent employment agreements, and on all contract matters including talent agreements, engagement agreements, and vendor agreements.
- Advised the executives of a data processing service company on the purchase of the business from their employer.
- Advised a magazine publisher on the sale of the business.
- Advised a medical products company on the acquisition of several medical devices.
- Assisted several corporations from Europe on establishing their subsidiaries in the U.S.
- Advised shareholders of a software company on the sale of their business to a purchaser in France.
- Advised a Channel Islands corporation on the licensing of its financial market data to Bloomberg, Reuters, and Trade Web.
- Advised a travel broker on all aspects of its business including talent agreements, disputes, termination of its arrangements with its software developers, and negotiated a settlement agreement recovering a portion of the fees paid to the developers.
- Advised several Israeli software companies on their software licenses, OEM agreements, and development agreements.
- Advised an Italian fashion company on several alleged violations of U.S. trademark law, including assisting in their defense in actions in Federal District Courts in California and New York.

## Presentations

- Licensing Executives Society 2003 Winter Meeting, "Service Level Agreements from A to Z," February 14, 2003

## Outside the Office

Lately I've been doing woodworking and carving; I also enjoy photography and gardening. My wife and I have been married for 52 years. We have five kids and will soon have a total of six grandchildren.

## Admissions

### Bar Admissions

New York

### Court Admissions

U.S. Tax Court

## Education

Columbia University School of Law (JD, with Honors, 1970)

- James Kent Scholar

William & Mary (AB, with High Honors, 1967)

- *Phi Beta Kappa*

## Awards/Honors

AV® Preeminent™ rated by Martindale-Hubbell®