

REPRESENTATIVE IP/TECHNOLOGY ENGAGEMENTS

Biotech Company (2009-10). Representing major biotech company in dispute concerning complex license and contract for supply of key component for multi-billion dollar cancer-related drug (case not yet filed).

Actuate Corporation v. Washington Mutual Bank (2008-2009). United States District Court for the Northern District of California. Represented Washington Mutual and then JPMorgan Chase in copyright and contract case for alleged breach of software license. Successful settlement achieved during expert discovery.

RyMed v. ICU (2007-2009). United States District Courts for the Central District of California and Delaware. Prosecution of claims for false advertising and labeling under the Lanham Act and state unfair competition laws, plus related trademark claims, in connection with I.V. catheter connectors.

Sun Microsystems v. Azul (2006-2007). United States District Court for the Northern District of California. Represented Sun in connection with trade secret, contract, interference and patent claims brought against former employees who joined competing company; technology concerned JAVA-based software and hardware for parallel chip computing. Highly favorable settlement achieved after first deposition.

Lucent v. DiCon (2005-2007). United States District Court for the Northern District of California. Defended DiCon in \$20 million breach of optical switch contract brought by Lucent, and asserted significant counterclaims for breach of contract, promissory estoppel, misrepresentation and unfair competition. Favorable settlement reached at mediation.

CPT v. LG Electronics (2005-2006). AAA International Centre. Represented Taiwanese manufacturer of LCDs in connection with one week arbitration hearing concerning ownership of intellectual property rights arising from a joint development agreement.

USG v. Award Metals (2005-2006). United States District Court for the Northern District of California. Represented USG in successful prosecution and settlement of trade secret and patent claims relating to corner bead.

X Corp. (2004-2005). Represented possible defendant in licensing dispute involving use and ownership of semiconductor technology and supply of component parts. Successfully resolved prior to the case being filed.

Fyrnetics Hong Kong and Kidde Safety v. Quantum Group (2000-2005). United States District Court for the Northern District of Illinois, 7th Circuit and AAA Arbitration. Represented defendant in trial and appeal of issues under license agreement and then two-week arbitration concerning design of 500,000 recalled carbon monoxide detectors, with alleged damages of \$13 million. Final Award entered in an amount less than offered in settlement, and plaintiffs' request for attorneys' fees denied.

Valani v. Lycos, Inc. (2004). United States District Court for the Northern District of California. Represented (with Ropes & Gray) Lycos in action brought by shareholders in acquired company for claims related to earn-out compensation based on internet unique hits methodology.

Hayden v. Robertson Stephens (2003-2004). American Arbitration Association. Represented founder of Critical Path in action involving duties of IPO lender.

Solectron v. NETRO (2003-2004). American Arbitration Association. Represented computer manufacturer to recover inventory cost of excess chip and assembly components from contracting party.

CBRE v. John Doe (1999-2004). Santa Clara County Superior Court. Suit for plaintiff for breach of contract and breach of duty of loyalty based on improper statements listed in a Yahoo message board.

Daisy Systems Corp. v. Bear Stearns (1994-2004). United States District Court for the Northern District of California. \$108 million jury verdict on behalf of plaintiff bankruptcy trustee for two merged computer-assisted design companies, suing major investment banking firm.

Lewis v. eHotel, Inc. (2002-2003). Santa Clara County Superior Court. Suit by tech company founder against venture capital firm.

Solectron v. KLA/Tencor (2002). Santa Clara County Superior Court. Suit for excess, non-returnable components purchased per customer order and forecasts.

KnowledgeNet v. Sybex (2001). JAMS Arbitration. Represented software developer/seller in license dispute with technical book publisher involving computer assisted learning programs, applications and materials. Successful settlement obtained prior to hearing.

In re Napster Litigation (2000-2001). United States District Court for the Northern District of California. Representing founding director in recording industry consolidated actions.

Littman v. Walt Disney, Miramax (2000). United States District Court for the Northern District of California. Representing writer in infringement action against Disney regarding movie release based on Kevin Mitnick.

MVP Sports Stores v. MVP.com (2000). United States District Court for the District of Massachusetts. Defended venture-backed online sports retailer, founded by John Elway, against claims of trademark infringement. Successful settlement obtained prior to service of lawsuit.

Mullett, Dickert, Koellen, et al. v. MRIC, Snap-On Tools (1999-2000). Various state and federal courts throughout the United States. Represented MRIC (Mitchell Repair, a subsidiary of Thomson Co.) in connection with a number of lawsuits brought by MRIC representatives over the purchase of MRIC by Snap-On and the distribution of competing software for automotive repair.

Forge v. National Semiconductor (1997-2000). Santa Clara Superior Court. Representation of National, Cyrix and their directors in six-week class action trial alleging breach of fiduciary duty and security violations in connection with design and capabilities of semiconductor fabrication facility; \$240 million in damages asserted. Jury returned defense verdict after three hours of deliberation. Named by *Daily Journal* as top defense jury trial victory in California in 2000.

Cambridge Technology Partners v. Kevin Askew (1999). San Francisco County Superior Court. Suit for injunctive relief arising from former employee and his employer's unauthorized use of Cambridge Technology Partners' confidential, proprietary or trade secret materials. Obtained immediate injunctive relief.

Fry's Electronics, Inc. v. A.T. Cross Company (1999). Contra Costa County Superior Court. Defending A.T. Cross Company in Y2K suit. Obtained dismissal in favor of A.T. Cross Company.

Cavnar v. Cyrix, National Semiconductor, et al. (1999). San Francisco Superior Court. Represented integrated circuit maker in connection with unfair competition, consumer class action against Cyrix, Compaq and 15 computer retailers. Plaintiffs alleged that advertisements for Compaq computers incorporating the Cyrix processor misrepresented the amount and function of RAM available for computer processing. Class settlement achieved.

Cambridge Technology Partners v. Crestone (1998-1999). California state court and related interstate litigation over proprietary database software, including provisional and permanent injunctive relief under state trade secrets act.

FiNet.com v. Turnauer (1998). Enforcement of intellectual property rights on behalf of FiNet.com, an internet mortgage company. Issues involved trademarks, design marks and service marks as well as internet domain names.

Glentech v. BAbCO (1998). Contra Costa Superior Court. Defense of antibody company and its employee against charge of misappropriation of trade secrets arising out of a license agreement, including the identity and use of myeloma and process for making monoclonal antibodies. Successful settlement and dismissal achieved after three months.

Larmark, Inc. v. USWeb/CKS (1998). Defended USWeb/CKS against unfair business practices claim involving website design and franchise issues.

Theatre Bay Alliance v. Alliance Information Group (1998). United States District Court for the Northern District of California. Website identity litigation between New Jersey and California companies.

Walden Group v. Tai (1998). State court action regarding departing venture capital partner's interests in various technology funds, including internet investments in the US and Asia.

National Semiconductor v. John Doe (1997). Santa Clara Superior Court. Obtained "inevitable disclosure" temporary restraining order and then preliminary injunction against defendant and five co-workers regarding MR Preamp integrated circuits. Defendants were enjoined from utilizing in excess of 20 technical and business trade secrets of National, and the leader of the group was enjoined from working on MR Preamp chips all together.

DSC Communications v. Next Level Communications (1996). United States District Court for the Eastern District of Texas. Trial defense in claimed \$500 million case involving alleged theft of trade secret telephony/fiber optic technology.

Official Unsecured Creditors Committee v. Hui, et al. (1993-1996). United States District Court for the Northern District of California. Securities fraud case on behalf of creditor's committee against the former directors and officers of a large computer manufacturer.

American Video v. Nintendo (1994). United States District Court for the Northern District of California. Represented American Video, a video game manufacturer, in antitrust action against Nintendo. Nintendo filed countersuit for patent infringement of its security chip.

Shahvar v. ASP Computer Products Inc. (1993-1994). Santa Clara County Superior Court. Suit by founder of peripherals company, resulting in Corp Code section 2000 appraisal and buy-out. Case involved market valuation of connectivity devices in LAN applications.

Stardent v. Kubota (1993). Santa Clara County Superior Court. Suit by plaintiff Stardent with respect to trade secrets and other claims to protect its graphics workstation technology.

Talley v. TRW (1992). Arbitration proceeding referred from the United States District Court for Arizona. Arbitration of sale and license agreement regarding design of automotive air bag facility, including technical and engineering issues arising from the explosion of the propellant manufacturing facility. Successful result obtained after one-month arbitration.

Monolithic Memories Inc. v. Lattice Semiconductor (1991). United States District Court for the Northern District of California. Defended Lattice against patent infringement claims regarding programmable logic. Lattice filed countersuit for patent invalidity, patent infringement, and antitrust.

John Hall v. Seiko (1987-1990). Santa Clara County Superior Court. Suit by founder of MicroPower Systems against Japanese shareholders asserting wrongful transfers of technology under integrated circuit CMOS refractory metal gate patents. Foreign discovery including depositions and court appearances in Japan and Finland.

Raytel v. Phillips NV, AT&T (1989). United States District Court for the Northern District of California. Represented Raytel in antitrust and theft of trade secrets claims against Phillips, NV to protect its teleradiology technology.

Atari, Inc. v. FunGames, Inc. (1985). Contract and contempt disputes in federal and state courts related to original Atari patents.

CPUC v. BART (1982). Proceeding before state Public Utilities Commission regarding adequacy of algorithms for automatic train control guidance.