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Lael Andara joined RMKB in 2001 and is a partner in the Silicon Valley office where he focuses on technology and intellectual property litigation, with a particular emphasis on patent litigation. He is a registered Patent Attorney and has developed and initiated strategies in high-stakes intellectual property disputes, including patent, copyright, trademark, false advertising, licensing, ITC investigations and trade secret matters.

Mr. Andara has a reputation for managing complex disputes efficiently and creatively. He prides himself on identifying and discovering the critical and concealed facts and communicating them to the parties or, where required, the jury in a form that is easily understood and appreciated to make an informed decision. He has successfully navigated issues arising where a client is both asserting its patent rights and defending against simultaneous charges of infringement.

Mr. Andara, like many of his clients, has a focus on cutting edge technology and has adapted technology-related advancements in eDiscovery to enhance his practice by reducing costs while increasing efficiency and security of his client's information. He is chair of RMKB's eDiscovery practice group.

Mr. Andara counsels both domestic and international clients on a wide variety of intellectual property matters, including Intellectual Property acquisition, portfolio management, litigation, licensing, and dispute resolution.

## Practice Areas

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- Intellectual Property
- Patent Prosecution, Licensing and Litigation
- Business And Commercial Litigation
- Corporate Transactions
- Entertainment

## Education

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- University of California, Santa Cruz, 1998 B.A.
- University of the Pacific, McGeorge School of Law, 2001 J.D.

## Court Admissions

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- California
- District of Columbia
- Hong Kong (Foreign Lawyer pursuant to LPO Ch. 159)
- New York

- US Court of Appeals for the Federal Circuit
- US Court of Appeals for the Ninth Circuit
- US Patent and Trademark Office
- USDC: Central District of California
- USDC: District of Colorado
- USDC: Eastern District of California
- USDC: Eastern District of Michigan
- USDC: Northern District of California
- USDC: Southern District of California

## Memberships & Associations

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- American Intellectual Property Law Association (AIPLA)
- San Mateo County Bar Association
- Santa Clara County Bar Association

## Representative Experience

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**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent Infringement

**Venue:** USDC: Northern District of California

**Client Type:** Plaintiff Manufacturer

This action for patent infringement involved competing manufacturers of integrated electric servo motors used in motion control applications such as robots and assembly lines.

**Result:**

The court modified its injunction, issued additional sanctions and the matter was resolved shortly thereafter.

**Practice Area:** Intellectual Property

**Key Issues:** Breach of Contract

**Venue:** USDC: Northern District of California

**Client Type:** Plaintiff Manufacturer

This breach of contract lawsuit arose out of an earn-out provision in a contract for the purchase of our clients Software as Service (SaS) business that allowed web designers to see what their proposed web pages would look like while users were employing various internet browsers.

**Result:**

After we took the depositions of several key employees at the defendant company who integrated the plaintiff's software into the products offered by defendant, the matter was successfully settled in favor of our clients.

**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent Infringement

**Venue:** USDC: Eastern District of Pennsylvania

**Client Type:** Defendant Manufacturer

In a patent infringement action venued in the Eastern District of Pennsylvania, we represented defendants accused of infringing a patent for cooling devices used in personal computers.

**Result:**

During a five day jury trial the panel submitted a mixed verdict which found that all of the patents dependent claims were invalid as a obvious but that the independent claims were not. This matter is pending appeal in the Federal Circuit.

**Practice Area:** Intellectual Property, Trade Secret Protection and Litigation

**Key Issues:** Trade Secrets

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Manufacturer

This misappropriation of trade secrets action arose when our clients left their former employer and opened a competing business in the area of manufacturing components for personal computers and other electronic devices.

**Result:**

We established that the majority of the information that was allegedly "misappropriated" was, in fact, public knowledge in the industry. The matter was settled favorably for our clients.

**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent Infringement

**Venue:** USDC: Northern District of Ohio

**Client Type:** Defendant Metal Tool Manufacturer

This action for patent infringement was venued in the Western District of Ohio, and involved competing manufacturers of metal cutting and shaping tools known as end-mills.

**Result:**

While the motions for summary judgment were pending, the plaintiff dismissed its lawsuit against our clients with prejudice and provided our clients with a life-of-the-patent license at no cost. We proceeded to file an action for malicious prosecution in the District Court in California, and that matter is now pending review by the Ninth Circuit.

**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent Infringement

**Venue:** USDC: Northern District of California

**Client Type:** Plaintiff Manufacturer

This action for patent infringement arose out of the defendants' manufacture and sale of fans used by computer modelrs with integrated LEDs.

**Result:**

We vigorously litigated the defendants' claims that the patent was invalid and entered into licensing agreements with each of the defendants involved. The case was dismissed.

**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent; Computer; Microchip; Server; Transfer

**Venue:** USDC: Wyoming

**Client Type:** Defendant: Blade Server Manufactruer

A twelve-patent infringement action filed against more than 100 computer component manufacturers and suppliers in the USDC in Wyoming.

**Result:**

In a total of less than six months, we obtained dismissal from the district court in Wyoming based on lack of personal jurisdiction. We then filed a declaratory judgement action in the Northern District of California. These events led to a settlement for less than 4% of the plaintiff's original demand.

**Testimonials**

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▫ Robert Aeschliman

As General Counsel for SuperMicro, I have dealt with a myriad of law firms in many different matters and well understand how different they can be. SuperMicro frequently encounters complicated intellectual property issues which require knowledgeable, responsive, and cost-effective representation. Ropers Majeski is extremely effective at meeting all three criteria. They appreciate that we still have a business to run and make meeting our expectations a priority. Specifically, we appreciate their reporting procedures that keep us up to date and advised of case related developments that impact our litigation objectives. Their representation has allowed us to obtain multiple favorable 'business oriented resolutions' in the past. This is why Ropers Majeski is one our "go to" firms for intellectual property matters.

**Speaking Engagements**

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- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 23, 2012
- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 22, 2012