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Michael J. Ioannou joined Ropers, Majeski, Kohn & Bentley in 1980 and became a partner in 1987. He is currently the Resident Director of the San Jose Office. His practice focuses on intellectual property litigation including patent, trademark and copyright infringement, misappropriation of trade secrets, unfair competition, and related commercial litigation including high tech software/hardware defect claims, business torts and anti-trust. He represents offshore and U.S.-based public and private high technology software and hardware design, development, manufacturing and information technology companies.

He has extensive experience in private and public directors and officers' fiduciary, shareholder class action, derivative litigation, financial institution liability and real estate matters. He provides extensive advice to offshore and U.S.-based businesses for multi-national offshoring transactions and strategies, pre-litigation dispute resolution, prosecution and defense of civil litigation, and all aspects of intellectual property and corporate governance issues. Mr. Ioannou has represented both buyers and sellers in a wide range of IP and M&A transactions, and has considerable experience in drafting and negotiating letters of intent, asset purchases, stock purchases and merger agreements as well as other related documents focused on IP and asset transfers. His clients range from large public companies and small-to medium-sized businesses to founders of start-up companies and individuals.

He has consulted for the California Continuing Education of the Bar on chapters of the Competitive Business Practices Book involving business torts and unfair competition. He has published an article in *Upside Magazine* concerning the "Look and Feel" copyright protection issue. Mr. Ioannou was a speaker at the Semicon West conference on "*Intellectual Property and the Secondary Market*" and has lectured in India on several occasions for the Indian government including the government of state of Punjab, Confederation of India Industry, Indo American Chamber of Commerce and Associated Chambers of Commerce on various topics involving IT and BPO Outsourcing and IP issues.

Mr. Ioannou obtained his bachelor of combined sciences and his J.D. from Santa Clara University in 1977 and 1980, respectively. He was the recipient for Best Brief, Constitutional Law Question, in Moot Court Competition. He has been a member of the Board of Fellows of Santa Clara University since 1995. He is a member of the Santa Clara County Bar Association and is past Chair of the International Section. He is licensed to practice before all California state courts and the United States District Courts for the Northern, Central, Southern and Eastern Districts of

California. He has successfully settled over 100 business or high tech-related disputes as a Judge Pro Tem for Santa Clara County Superior Court. He has been certified as a federal mediator by the United States District Court for the Northern District of California. Finally, he was awarded and continues to hold the highest personal rating from Martindale-Hubbell.

Practice Areas

- Business And Commercial Litigation
- Corporate Transactions
- Intellectual Property
- International
- IT and Business Process Outsourcing
- Real Estate
- Mergers & Acquisitions
- Antitrust

Education

- Santa Clara University, 1977 Bachelor
- Santa Clara University School of Law, 1980 J.D.

Court Admissions

- California
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California

Memberships & Associations

- Santa Clara County Bar Association

Representative Experience

Practice Area: Business And Commercial Litigation, Corporate Transactions

Key Issues: Start-up

Client Type: Defendant Start-up

Represented defendant who was sued by Boston-based venture capital firm concerning a failed start-up company.

Practice Area: Intellectual Property, Trade Secret Protection and Litigation

Key Issues: Trade Secret

Client Type: Plaintiff Computer Manufacturer

Represented plaintiff and cross-defendant. Claims by Defendant, computer manufacturer, of breach of fiduciary duty and misappropriation of trade secrets.

Result:

Obtained a \$3 million settlement for plaintiff and release of cross-claims.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark Infringement

Venue: San Luis Obispo County Superior Court

Client Type: Defendant; Sporting Goods Store

Our client, the defendant, is a sporting goods store accused of trademark infringement, trade dress and unfair competition related to the use of State University logos and marks on articles of clothing.

Result:

Preliminary injunction defeated.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark Infringement

Venue: USDC: Northern District of California- San Francisco Division

Client Type: Defendant; Winery

Plaintiff claimed infringement and unfair competition action related to the sale of wine under a specific name.

Result:

Obtained favorable settlement for client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Copyright Infringement

Venue: USDC: Northern District of California- San Jose

Client Type: Defendant; Broadcasting Company

We represented the defendant in this copyright infringement action concerning consignment and resale of original art/pictures.

Result:

We negotiated a favorable settlement for our client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property, Patent Prosecution, Licensing and Litigation

Key Issues: Patent; Trademark Infringement

Venue: USDC: Northern District of California

Client Type: Defendant; Software Company

We represented the defendant in this patent, trademark and related torts action related to the sale of software that allegedly infringed both patents and trademarks of plaintiff.

Result:

A favorable settlement was reached after obtaining evidence of fraud on the U.S. Patent & Trademark Office by plaintiff.

Practice Area: Business And Commercial Litigation, Intellectual Property, Trade Secret Protection and Litigation

Key Issues: Trade Secret

Venue: USDC: District of Colorado

Client Type: Defendant; Computer Periperal Distributor

This was a trade secret and unfair competition dispute related to employees leaving plaintiff and joining defendant and involving customer lists in the computer peripheral industry.

Result:

A favorable settlement was reached.

Practice Area: Professional Liability

Key Issues: Fiduciary Duty; Trust

Venue: Superior Court of California, County of Santa Clara

Client Type: Defendant; Semiconductor Company and Trustee

Breach of Fiduciary Duty claim regarding trusts and trust administration. Claims against both defendants defeated by summary judgment.

Result:

Complete defense of case.

Practice Area: Business And Commercial Litigation, Intellectual Property

Venue: Circuit Court for the State of Oregon, County of Multnomah

Client Type: Plaintiff; Semiconductor

Misappropriation of Proprietary Information and Trade Secrets; Breach of Mutual Non-Disclosure Agreement; Breach of the Implied Covenant of Good Faith and Fair Dealing; Breach of Employment Agreement, Unfair Competition; Breach of Duty of Loyalty, and Declaratory and Injunctive Relief.

Result:

Confidential, favorable result for client.

Practice Area: Business And Commercial Litigation, Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Copyright Infringement

Venue: USDC: Northern District of California

Client Type: Plaintiff; Technology IT Services Company

Complaint alleging copyright infringement, unfair competition, misappropriation of trade secrets and declaratory relief related to the selling and licensing of products that enable integration and migration solutions for different business processes across heterogeneous systems by and through intelligent adapters.

Result:

Favorable settlement for client.

Practice Area: Intellectual Property

Key Issues: Trade Secret Misappropriation; Trade Dress and Trademark Infringement; Unfair Competition; Fraud

Venue: USDC: Northern District of California

Client Type: Defendant; Doll Manufacturer

Suit for trademark, trade name and trade dress misappropriation and unfair competition.

Result:

Settled prior to trial favorably for our client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property, Trade Secret Protection and Litigation

Key Issues: Copyright Infringement; Trade Secret

Venue: USDC: Northern District of California

Client Type: Plaintiff

Represented Plaintiff/Defendant, a management consulting group, and Defendant, president of the management consulting group, in this copyright, trade secret case.

Result:

A favorable settlement was reached.

Practice Area: Intellectual Property

Key Issues: Patent Infringement

Venue: USDC: District of Arizona

Client Type: Defendant; Semiconductor company

Patent infringement alleged against client and other semiconductor companies.

Result:

Settlement agreement.

Practice Area: Copyright, Trade Dress and Trademark Registration, Intellectual Property

Key Issues: Copyright Infringement; Wine label; Photograph

Venue: USDC: Northern District of California

Client Type: Defendant; Winery

Copyright infringement related to wine label and photograph.

Result:

Confidential settlement.

Practice Area: Intellectual Property

Key Issues: Trademark infringement, False Advertising

Venue: USDC: Northern District of California, San Jose Division

Client Type: Plaintiff Semiconductor Company

Trademark infringement and false advertising case involving Maxim's flagship "Maxim" mark. Case settled favorably for Maxim after obtaining stipulated order for permanent injunction.

Result:

Favorable settlement for client. Defendant changed its mark.

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

Key Issues: Patent Infringement

Client Type: Defendant Software Manufacturer

Plaintiff claimed our client of software patent infringement.

Result:

The case settled favorably.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Breach of Settlement; Trade Dress; Trademark Infringement

Client Type: Defendant Winery

Breach of settlement agreement, trademark, trade dress and related tort claims related to the sale of wine nationwide.

Result:

Defeated preliminary injunction and temporary restraining order. Favorable settlement for client.

Practice Area: Intellectual Property

Key Issues: Breach of Fiduciary

Client Type: Defendant Shelving Manufacturer

This case included related cross-complaint for breach of fiduciary duty and misappropriation of trade secrets.

Result:

We achieved a favorable settlement for our client.

Practice Area: Corporate Transactions

Key Issues: Start-up

Client Type: Defendant Large Microprocessor Manufacturer

Our client, a large microprocessor manufacturer, was sued by a Boston-based venture capital firm concerning a failed start-up company.

Practice Area: Intellectual Property, International

Key Issues: Tort Claims

Client Type: Defendant Enterprise Software Company

The plaintiff filed claims against our client for termination of Asia distributorship, including breach of fiduciary duty and other related tort claims.

Practice Area: Business And Commercial Litigation, Real Estate

Key Issues: Real Estate

Venue: Santa Clara County Superior Court

This was a real estate litigation involving a purchase by a retirement development company of the lease hold interests in four assisted-living condominium projects. Landlords claimed the ability to increase rent to fair market value (rent increase dispute in excess of \$1,000,000 per year for lease extensions for the next ten years).

Result:

Cases settled pursuant to a favorable confidential settlement and release.

Practice Area: Real Estate

Key Issues: Real Estate

Venue: Alameda County Superior Court

Client Type: Defendant Insurance Provider

Represented defendants in a suit brought by a leading producer of fabricated aluminum products over the sale of their real estate subsidiary. Case involved 300,000 acres of real estate sold in California and Hawaii with myriad of complex issues involving \$500 million purchase agreement.

Result:

Case settled for favorable terms.

Practice Area: Business And Commercial Litigation

Key Issues: Anti-trust; Breach of Fiduciary

Venue: Santa Cruz County Superior Court

Client Type: Cross-complainant Fruit & Vegetable Producer & Supplier

We represented the cross-complainant in this action involving anti-trust, predatory pricing, price-tampering and breach of fiduciary duty asserted against former directors and officers of company client.

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

Key Issues: Trade Secret

Venue: San Francisco County Superior Court

Client Type: Defendant

Trade secret claims in environmental testing field.

Result:

Favorable settlement reached.

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

Key Issues: Patent Infringement

Venue: USDC: Northern District of California

Client Type: Defendant Furniture Reseller

Patent infringement action related to computer keyboard.

Result:

Favorable settlement reached for client.

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

Key Issues: Patent Infringement

Venue: USDC: District of Arizona

Client Type: Defendant Semiconductor Manufacturer

Currently representing defendant, a leader in the design and selling of semiconductor products. Largest patent infringement case in the United States involving more than 800 defendants/alleged infringers in lawsuits all over the country related to bar code/auto ID patents.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Copyright Infringement

Venue: USDC: Eastern District of California

Client Type: Defendant

This case involved copyright infringement action related to use of "Barney" character. Negotiated favorable license agreement and settlement for client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark, Trade Dress

Venue: USDC: Northern District of California

Client Type: Defendant Winery

We represented the defendant in this trademark, trade dress and related tort claims related to the sale of wine nationwide.

Result:

Defeated preliminary injunction. Favorable settlement for client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark Infringement; Cybersquatting

Venue: USDC: Northern District of California

Client Type: Defendant Manufacturer & Distributor

This was a trademark infringement, cybersquatting and related torts case related to the use of allegedly similar trade name, words and marks in the golf accessory industry. We were brought in two weeks prior to trial with admitted liability and stipulated preliminary injunction.

Result:

Negotiated favorable settlement for client during trial.

Practice Area: Business And Commercial Litigation

Key Issues: Breach of Lease

Client Type: Defendant Real Estate Investment & Development Company

Breach of commercial lease (quarry operation), interference with business advantage, conspiracy to interfere and other related tort claims. Demand prior to trial by plaintiff in excess of \$5,000,000 against buyer defendants. Settlement offer in excess of \$2,000,000. The case was tried for six months before a jury.

Result:

Favorable verdict in favor of our client (all tort claims defense and breach of contract claim limited to \$80,000 damage payment).

Practice Area: Copyright, Domain Name and Trademark Litigation, Healthcare, Intellectual Property

Key Issues: Copyright Infringement

Venue: Northern District- San Jose Division District Court

Client Type: Defendant; Software Manufacturer

Represented defendant in a copyright infringement and related torts case concerning a license agreement in the medical software field.

Result:

Negotiated favorable settlement for client.

Practice Area:

Venue: Santa Clara County Superior Court

Client Type: Defendant; Software Manufacturer

Represented defendant against claims of defective software.

Result:

Favorable settlement obtained.

Practice Area: Intellectual Property, Trade Secret Protection and Litigation

Key Issues: Trade Secret

Venue: Santa Clara County Superior Court

Client Type: Defendant; Computer Peripheral Manufacturer

This was a trade secret and related torts dispute concerning the computer peripheral industry.

Result:

Defeated preliminary injunction and favorable settlement reached.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark Infringement; Breach of Contract

Venue: USDC: Northern District of California - San Francisco Division District Court

Client Type: Defendant; Call Center

Represented defendant in a trademark infringement, breach of contract related to licensing/distributorship agreement.

Result:

Obtained favorable settlement for client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property

Key Issues: Trademark Infringement

Venue: USDC: Northern District of California

Client Type: Defendant; Winery

We represented the defendant in a trademark action related to the sale of wine.

Result:

Favorable settlement for client reached.

Publications

- Author, Our Common Ground ("OCG"), 08/26/09

News

- RMKB Ranked Third in Employment Law Firms Annual List, *Silicon Valley/San Jose Business Journal*, October 23, 2009
- HCL Technologies Acquires Capital Stream, Inc., a US based industry leader in lending automation

solutions, *Press Release*, 02/20/08