



Intellectual Property

The Intellectual Property Group at RMKB understands that, in today's information-based business environment, a company's most valuable asset is often its intellectual property. Our team of specialists provides the complete spectrum of intellectual property services to its corporate and individual clientele. These services range from the registration and licensing of trademarks, copyrights and patents to asserting and defending all aspects of those rights. We provide these services to clients in traditional, technical and scientific fields, high technology, biotechnology, entertainment, service providers and retail establishments.

Copyright, Domain Name and Trademark Litigation

Cases litigated by the Firm in the trademark and trade dress arenas include infringement, dilution, cybersquatting and unfair competition claims involving trade names, service marks, trademarks, packaging, domain name disputes, initial interest confusion through misappropriation of website metatags, misappropriation of styles of doing business and trespass to chattels through the use of Internet web-crawlers. In the copyright arena, our experience ranges from claims based on computer source code, the "overall look and feel" of printed publications, attribution disputes over a series of historical murals and claims involving the distribution and importation rights of CDs and DVDs. Our Intellectual Property Group also has substantial experience with other forms of copyright litigation, including matters involving architectural drawings and ornamental designs.

Copyright, Trade Dress and Trademark Registration

We assist clients with the identification, registration and protection of various forms of intellectual property.

Trademarks

A trademark is a designation used to identify and distinguish the goods of a person. Similarly, a service mark is any word or symbol used to identify services of a person and distinguish them from the services of others.

We work collaboratively with our clients in the mark selection process. Once marks have been identified for protection, we assist clients in the clearance, use, registration, and enforcement of

trademarks, service marks, business names, domain names, trade dress, and packaging design in the United States.

Trademark laws worldwide are ever changing. We monitor the global trends in trademark law and keep our clients informed of developments that may affect their businesses. We also maintain a global network of foreign law firms for counseling, registrations and litigation.

Copyrights

Copyright is secured automatically when an “original work of authorship” is created. Although registration is not a condition of copyright protection, the copyright law provides several advantages to encourage copyright owners to make registration.

We assist clients in the identification and registration of their original works.

International Trademark

RMKB is known for its expertise in the areas of both domestic and international trademark registration. The firm's lawyers in the Intellectual Property group have extensive experience registering and defending trademarks world-wide. Such practice includes experience with the European Union, as well as the prosecution of applications under the Madrid Protocol, and in individual countries around the world. The registration practice includes the pursuit and registration of marks for a wide variety of clients from biotechnology companies to microchip manufacturers to software development companies.

With offices in San Francisco, Silicon Valley, Los Angeles, New York, and Hong Kong, RMKB is uniquely positioned to provide a variety of intellectual property-related services. The firm's attorneys are experienced in addressing complex issues regarding trademarks and their protection, including vast litigation experience in the area of trademark infringement. In addition, significant cases involving the wine industry in California have been handled by this firm. Ropers, Majeski draws on the knowledge and experience of more than 100 U.S. attorneys, including some qualified in multinational jurisdictions, giving the firm an exceptional ability to represent its clients in a truly comprehensive manner.

Patent Prosecution, Licensing and Litigation

RMKB offers the entire range of patent-related services to its clients. These services include the representation of inventors in the prosecution of patent applications before the United States Patent & Trademark Office and the licensing of patent rights both before and after a patent has been issued. We have represented both plaintiffs and defendants in asserting or defending patent infringement claims in litigation. These cases involve both design and utility patents and include inventions such as food and beverage processing devices, paint application devices, the ornamental design of automobile components, utility patents involving electronic circuitry, as well as high-technology patent disputes involving DNA replication technology and telecommunications devices.

Trade Secret Protection and Litigation

To provide fundamental protection of our clients trade secrets, the IP group offers advice and

counseling on internal policies and procedures for handling confidential proprietary matters. Once misappropriation of trade secrets is at issue, however, the Firm has significant experience in litigating such cases, including cases involving former employees who have allegedly made use of trade secret information as well as claims arising from misappropriation committed by third parties. We are also well versed in insuring that our clients trade secrets are protected during the course of litigation, both from the companies or individuals on the other side of a lawsuit and from the public at large.

Unfair Competition

Whether based on the federal trademark statutes or the California Business and Professions Code, the Intellectual Property department at Ropers has the in-depth knowledge of unfair competition claims that only comes from years of litigating and trying such cases. Our experience includes the defense of medical device manufacturers, Internet retailers, nutritional supplement companies and service providers. Since many of these cases are driven by the lure of recovering attorneys fees, we have found that a detailed front-end analysis of the up and down sides of these cases will allow our clients to make cost-effective decisions as to the course of litigation.

Representative Experience

Attorneys: Arnold E. Sklar

Key Issues: Copyright Infringement

Venue: District Court

Client Type: Plaintiff Toy Manufacturer

Description: Represented the plaintiff, a toy manufacturer, in a copyright infringement case.

Result: The district court denied the defendant toy manufacturer's motions to dismiss and for summary judgment, holding that the memorialization of a previous oral assignment of the copyright to the plaintiff satisfied the applicable copyright laws and established the plaintiff as the copyright owner.

Attorneys: Arnold E. Sklar

Key Issues: Copyright Infringement

Venue: District Court

Client Type: Plaintiff Designer Watch Manufacturer

Description: Represented the plaintiff, a designer watch manufacturer, in a copyright infringement case.

Result: The district court granted a preliminary injunction in favor our client, finding likelihood of success of copyright infringement. On appeal, the court remanded for re-consideration in light of new developments. On reconsideration, the district court affirmed the preliminary injunction on copyright grounds and also added likelihood of success of trade dress infringement as grounds for preliminary injunction.

Attorneys: Arnold E. Sklar

Key Issues: Patent Infringement

Venue: Federal Circuit Court of Appeals

Client Type: Defendant Handbag Manufacturer

Description: Defended a handbag manufacturer in a copyright infringement lawsuit.

Result: The district court granted summary judgment in favor of the defendant on the basis that the defendant's accused product predates the invention. The decision was reversed on appeal, finding that the plaintiff had met its burden of showing a genuine issue of fact as to the validity of the patent.

Attorneys: David M. McLaughlin

Key Issues: Intellectual Property; Trade Secret; Copyright

Venue: State and Federal Court in Australia, Canada, Germany, South Africa, California, Colorado, Florida, Illinois, Kansas, Louisiana, Oregon, Minnesota, Missouri, Nevada, New Hampshire, New York, South Carolina, Washington, Washington DC,

Client Type: Defendant Life Science Company

Description: Represented a biotechnology/life sciences company - Applied Biosystems and Applera (now known as Life Technologies, Inc.)-in trade secret and copyright protection matters involving DNA test kits and sequencing devices which use polymerase chain reaction (PCR) technology in numerous jurisdictions.

Result: Successfully quashed numerous subpoenas demanding trade secret and unpublished developmental validation information

Attorneys: Arnold E. Sklar

Key Issues: Trademark Infringement

Venue: Federal Court, Central District, Santa Ana

Client Type: Defendant Delicatessen

Description: Represented the defendant in a trademark infringement case in which a mid-sized producer of Italian foods sued our client, a family-owned delicatessen, for infringing on the use of their gourmet food mark used on sandwiches sold to local schools.

Result: Summary Judgment was granted in the defendants' favor based on the First Sale Doctrine. The case was declared "exceptional" and the defense fees were enhanced and returned to the client's carrier.

Attorneys: Arnold E. Sklar

Key Issues: Trademark Infringement

Venue: Federal Court, Central District, Santa Ana

Client Type: Defendant Food Manufacturer

Description: The plaintiff, an international manufacturer of potato chips, had manufactured and nationally distributed a product using a specific term in 1982. The defendant, a competing potato chips manufacturer, had used the same term on its own brand of potato chips since 1986. Neither party had obtained federal trademark registrations for the term. The plaintiff filed suit for trademark infringement and false designation of origin. Prior to trial the plaintiff voluntarily dismissed all claims for money damages to avoid a jury trial. Upon receiving

survey evidence during a two and one half week bench trial, the court rendered a verdict in favor of the defense determining that the term was generic and thus not protectable.

Result: Settlement negotiations resulted in no agreement to stop use of the term, or payment of monies to the plaintiff. Prior to trial, the plaintiff dismissed all claims for money damages, to avoid jury trial. Two and half week Court trial. Court verdict in defense favor, term deemed generic, free for use by all producers of these types of potato chips. Favorable decision published Classic Foods Int'l Corp. v. Kettle Foods, Inc., 468 F.Supp.2d 1181 (C.D. Cal. 2007).

Attorneys: Arnold E. Sklar

Key Issues: Copyright Infringement

Venue: Federal Court, Southern District, San Diego

Client Type: Defendant Computer Distributor

Description: The plaintiff was a manufacturer and software designer that produced inks and computer "plug-ins" that enabled the user to print black and white photos in commonly available desktop printers designed to print photos in color. Our client was a marketing company that sold the plaintiff's products under contract. Upon termination of the business relationship, the plaintiff accused the defendant of copyright infringement by improperly continuing sales of the software. The defendant was also accused of trade disparagement.

Result: Pre-trial negotiations yielded an initial demand from the plaintiffs of \$2 million which was further reduced to \$995,000 right before trial. After a two week trial, the jury returned a verdict favorable to the plaintiff in the amount of \$155,000 on the trade libel claim only. However, before trial, summary judgment was granted in favor of the defendant on the copyright infringement claim resulting in the defendants being awarded attorneys fees in an amount that exceeded the verdict on the trade libel claim.

Attorneys: François G. Laugier

Key Issues: Patent Transfer

Client Type: University Professor

Description: Negotiated for a Berkeley University professor's transfer of patented technology to a publicly-traded company.

Attorneys: François G. Laugier

Key Issues: Formation Through Late-Stage Growth of DSL Solutions Company

Client Type: Mature Private Software Company

Description: Served as general corporate counsel to a startup founded by a Silicon Valley veteran and Stanford University professor. We represented the company in all aspects of incorporation, licensing to hardware and software companies, employment issues, domestic and international registration of trademarks, multiple rounds of financing, Sarbanes-Oxley compliance counseling, and negotiation of multi-year, multi-million dollar license to national and international providers in the communications industry.

Attorneys: François G. Laugier

Key Issues: Outside General Counsel from Formation to Acquisition

Client Type: Software Company

Description: Represented a US public company in its \$3.5 million asset purchase of a Swiss company's equipment and technology used in the manufacturing of women's apparel. Organized and represented a software company specializing in wireless communications software. Drafted and negotiated all bundling, joint development and distribution contracts with US, European and Asian partners. Prosecuted US trademarks. Handled a \$ 17.5 million cash acquisition by the US public company.

Attorneys: François G. Laugier

Key Issues: Acquisition (For Sellers)

Client Type: Selling Shareholders in Acquisition

Description: Represented the shareholders of French software company in the sale of their stock to a NASDAQ-traded corporation.

Attorneys: François G. Laugier

Key Issues: Formation and Growth of Clean-Tech Company

Client Type: Clean Energy Company

Description: Represented an established European solar company (PV and thermal) in the organization and growth of its multi-state US operations. Created a library of contracts for all business purposes, Stock Option Plan, trademarks and assisted them in building their corporate team.

Attorneys: François G. Laugier

Key Issues: Formation Through Late-Stage Growth of Internet Company

Client Type: Private Internet Company

Description: Represented a Silicon Valley veteran in the organization of a new venture dedicated to Internet data mining. Organized corporation as investment vehicle for seed financing. Represented corporation in Series A through D Preferred Stock Issuance and coordinated financing from multiple international sources. Drafted technology licenses, a Stock Option Plan and agreements, employment contracts, and International (US, EU, Japan, Mexico, Canada) trademark applications.

Attorneys: John A. Koeppe

Key Issues: LSAT; Copyright

Venue: Los Angeles County Superior Court

Client Type: Defendant Test Preparation Company

Description: Defended our client in a case involving a copyright and defamation action between two test preparation companies which provided instructional services for the Law School Admissions Test ("LSAT"). The plaintiff accused the defendants, former employees who started a competing company, of copying its course materials and defaming the defendant on internet discussion boards using pseudonyms to disguise their identities. Summary judgment was granted in favor of defendants on the plaintiff's unfair competition claim that

the defendants helped students cheat on the LSAT. The plaintiff expended more than \$8 million in fees and costs to litigate the case.

Result: The plaintiff demanded \$5 Million and a permanent injunction that would force the defendants out of business. The plaintiff rejected a large settlement offer and after a 25 day trial, the jury denied the plaintiff's request for \$18.5 Million and instead awarded \$256,000. The plaintiff's claims for trade libel and intentional interference with prospective economic advantage were dismissed on non-suit and directed verdict. The court denied the plaintiff's request for a permanent injunction and stated that the course materials separately developed by defendants added significant originality to the to the test prep industry. Two articles about the trial were published in IP Law 360. A number of pre-trial issues are on appeal.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trademark Infringement; Breach of Contract

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

Client Type: Defendant Call Center

Description: Represented the defendant, a call center, in a trademark infringement and breach of contract related to licensing/distributorship agreement lawsuit.

Result: Obtained a favorable settlement for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trade Secret

Venue: San Francisco County Superior Court

Client Type: Defendant

Description: Represented the defendant in a case involving trade secret claims regarding an environmental testing field.

Result: A settlement favorable to our client was reached.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Patent Infringement

Venue: USDC: Northern District of California

Client Type: Defendant Furniture Reseller

Description: Represented the defendant, a furniture reseller, in a patent infringement action related to a computer keyboard.

Result: A favorable settlement was reached for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier
Key Issues: Copyright Infringement; Trade Secret
Venue: USDC: Northern District of California
Client Type: Plaintiff Management Consulting Group

Description: Represented the plaintiff/defendant, a management consulting group, and the defendant, the president of the management consulting group, in this copyright, trade secret case.

Result: A favorable settlement was reached.

Attorneys: Michael J. Ioannou
Key Issues: Trade Secret
Client Type: Plaintiff Computer Manufacturer

Description: Represented the plaintiff and cross-defendant computer manufacturer. Claims by the defendant computer manufacturer included breach of fiduciary duty and misappropriation of trade secrets.

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

Attorneys: Michael J. Ioannou
Key Issues: Patent Infringement
Venue: USDC: District of Arizona
Client Type: Defendant Semiconductor Manufacturer

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

Attorneys: Michael J. Ioannou, Lita M. Verrier
Key Issues: Copyright Infringement
Venue: USDC: Eastern District of California
Client Type: Defendant

Description: Represented the defendant in a case involving a copyright infringement action related to the use of the "Barney" character.

Result: Negotiated a favorable license agreement and settlement for the client.

Attorneys: Michael J. Ioannou, Lita M. Verrier
Key Issues: Copyright Infringement

Venue: Northern District- San Jose Division District Court

Client Type: Defendant; Software Manufacturer

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

Result: Negotiated a favorable settlement for our client.

Attorneys: Michael J. Ioannou

Key Issues: Patent Infringement

Client Type: Defendant Software Manufacturer

Description: The plaintiff claimed our client, the defendant software manufacturer, was responsible for software patent infringement.

Result: The case settled favorably for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trade Secret

Venue: Santa Clara County Superior Court

Client Type: Defendant Computer Peripheral Manufacturer

Description: Defended a computer peripheral manufacturer in a suit involving a trade secret and related torts dispute.

Result: Defeated a preliminary injunction and a favorable settlement was reached.

Attorneys: Michael J. Ioannou

Key Issues: Breach of Fiduciary

Client Type: Defendant Shelving Manufacturer

Description: Defended a shelving manufacturer in a case that included a related cross-complaint for breach of fiduciary duty and misappropriation of trade secrets.

Result: We achieved a favorable settlement for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trademark Infringement

Venue: San Luis Obispo County Superior Court

Client Type: Defendant Sporting Goods Store

Description: Defended a sporting goods store accused of trademark infringement, trade dress violations and

unfair competition related to the use of State University logos and marks on articles of clothing.

Result: Defeated a preliminary injunction on behalf of our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trademark Infringement

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

Client Type: Defendant Winery

Description: Defended a winery in a case in which the plaintiff claimed infringement and unfair competition related to the sale of wine under a specific name.

Result: Obtained a favorable settlement for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Copyright Infringement

Venue: USDC: Northern District of California- San Jose

Client Type: Defendant; Broadcasting Company

Description: Represented the defendant, a broadcasting company, in this copyright infringement action concerning consignment and resale of original art/pictures.

Result: Negotiated a favorable settlement for our client.

Attorneys: Michael J. Ioannou

Key Issues: Trademark Infringement; Cybersquatting

Venue: USDC: Northern District of California

Client Type: Defendant Manufacturer & Distributor

Description: Defended a manufacturer and distributor in a trademark infringement, cybersquatting and related torts case concerning the use of an 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 a stipulated preliminary injunction.

Result: Negotiated a favorable settlement for client during trial.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Patent; Trademark Infringement

Venue: USDC: Northern District of California

Client Type: Defendant Software Company

Description: Represented the defendant, a software company, in this patent, trademark and related torts action involving the sale of software that allegedly infringed both patents and trademarks of the plaintiff.

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

Attorneys: Lael D. Andara

Key Issues: Patent Infringement

Venue: USDC: Northern District of California

Client Type: Plaintiff Manufacturer

Description: Represented the plaintiff, a manufacturer, in an action for patent infringement involving 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.

Attorneys: Lael D. Andara

Key Issues: Patent Infringement

Venue: USDC: Northern District of California

Client Type: Plaintiff Manufacturer

Description: Defended a manufacturer in an action for patent infringement arising out of the defendants' manufacture and sale of fans used by computer models with integrated LEDs.

Result: The case was eventually dismissed through effective litigation against the defendant's assertions that the plaintiff's patent was invalid.

Attorneys: Lael D. Andara

Key Issues: Breach of Contract

Venue: USDC: Northern District of California

Client Type: Plaintiff Manufacturer

Description: Represented the plaintiff, a manufacturer, in a breach of contract lawsuit arising out of an earn-out provision in a contract for the purchase of our client's Software as Service (SaaS) 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's company who integrated the plaintiff's software into the products that they offered, the matter was successfully settled in favor of our clients.

Attorneys: Lael D. Andara

Key Issues: Patent Infringement

Venue: USDC: Eastern District of Pennsylvania

Client Type: Defendant Manufacturer

Description: Represented the defendant, a manufacturer, in a case in which our client was 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 but that the independent claims were not. This matter is pending appeal in the Federal Circuit Court.

Attorneys: Lael D. Andara

Key Issues: Trade Secrets

Venue: Santa Clara County Superior Court

Client Type: Defendant Manufacturer

Description: Defended a manufacturer in a misappropriation of trade secrets action which 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.

Attorneys: Lael D. Andara

Key Issues: Patent Infringement

Venue: USDC: Northern District of Ohio

Client Type: Defendant Metal Tool Manufacturer

Description: Defended a metal tool manufacturer in an action for patent infringement that was venued in the Western District of Ohio, and involved competing manufacturers of metal cutting and shaping tools known as end-mills.

Result: While motions for summary judgment were pending, the plaintiff dismissed the 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.

Attorneys: Stephen J. Erigero

Key Issues: Copyright Infringement; Unfair Competition

Venue: USDC: Central District of California

Client Type: Defendant Toy Importer

Description: Represented a toy importer in a case involving allegations of copyright infringement and unfair competition over an advertisement. Obtained the dismissal of right of publicity claims brought by individuals who appeared in the advertisement based upon the principle of copyright preemption of right of publicity claims.

Result: The case was resolved by settlement.

Attorneys: Susan H. Handelman

Key Issues: Trade Secret

Venue: Santa Clara County Superior Court, Sixth District Court of Appeal

Client Type: Software Inventor

Description: Represented an inventor against an internet based stock trading company in a trade secret case in which the court of appeal reversed the trial court's decision on our client's motion for nonsuit; damages for misappropriation of a trade secret.

Result: The court remanded the case for trial on the damages issue.

Attorneys:

Key Issues: Unfair Business Practices; Unfair Competition

Venue: California Court of Appeal, First District

Client Type: Defendant Food & Catering Enterprise

Description: Represented a food and catering enterprise in an Unfair Business Practice Act matter involving allegations of trade name infringement, unfair competition and Lanham Act violations.

Result: Obtained a defense jury verdict.

Attorneys: Gregory M. Gentile

Key Issues: Intellectual Property; Breach of Contract; Defamation; Fraud; Misrepresentation

Venue: Santa Clara County Superior Court

Client Type: Defendant Private Client

Description: Successfully represented a local business entrepreneur in a complex partnership dispute between two joint venturers involving intellectual property. The claims were for breach of contract, defamation and fraud. Prosecuted those claims on behalf of the client while defending claims of misrepresentation and conversion. Defended the client at binding arbitration, obtaining a large monetary award from the arbitrator.

Result: Defended the case at a binding arbitration and successfully prosecuted claims of client.

Attorneys: Gregory M. Gentile

Key Issues: Negligence; Misrepresentation

Venue: San Mateo County Superior Court

Client Type: Defendant Home Inspection Company

Description: Successfully represented a home inspection company and home inspector as to claims of negligence and misrepresentation. The claims against the clients were part of a group litigation filed by a homeowner against the real estate agents, their brokers and inspectors who were involved in the sale of the home. The homeowner claimed undisclosed and undocumented defects pertaining to their purchase of their home.

Result: Successfully resolved the matter on behalf of the clients by bringing a motion for summary judgment.

Attorneys: J. Mark Thacker

Key Issues: Trade Secret; Trade Dress; Unfair Competition

Venue: USDC: Northern District of California

Client Type: Defendant Product Manufacturer

Description: Defended a product manufacturer in a suit for trademark infringement, misappropriation of trade secret and unfair competition arising out of manufacture and sale of ceiling systems.

Result: The matter was settled for a minimal amount, to the complete satisfaction of the client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

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

Venue: USDC: Northern District of California

Client Type: Defendant Doll Manufacturer

Description: Defended a doll manufacturer in a suit for trademark, trade name and trade dress misappropriation and unfair competition.

Result: The matter settled prior to trial favorably for our client.

Attorneys: Lael D. Andara

Key Issues: computer; internet; LED

Venue: USDC: Northern District of California

Client Type: Plaintiff Seller of patent embodiments

Description: United States Patent No. 6,679,771 on a light-emitting computer cooling fan formed by multiple light-emitting diodes (LEDs), which technology was patented in 2004. Initial efforts to license or have the product taken off the market failed

resulting in the lawsuit. We were able to negotiate a settlement including a consent judgment and permanent injunction prior to any significant discovery or claim construction.

Result: Obtained a settlement for the Patent holder including a consent judgment and permanent injunction

Attorneys: Lael D. Andara

Key Issues: contract, net share, music

Venue: N/A

Description: Client was in negotiations with a record company as to his continuing his activities as a music producer and writer in an exclusive capacity. Review and counseled on offered contract. Counsel as to how to obtain copyrights on music compositions.

Attorneys: Lael D. Andara

Key Issues: web page; airport;

Venue: USDC: Northern District of California

Client Type: Plaintiff County Agency running Airport

Description: Trademark Infringement and Cyberpiracy related to government website. When a user typed in "Sonoma County Airport" into an internet search, two sites would appear: one for the "Charles M. Schulz Sonoma County Airport," and "Sonoma County Airport.com--Visit Sonoma County." The latter was defendant's "travel" site, she had registered the domain name sonomacountyairport.com in June of 2001, which we asserted was creating consumer confusion for those seeking information about the airport. The County who held a common law trademark on "Sonoma County Airport," first used the mark in connection with the Airport in 1946, a year before the County accepted transfer of the Airport's property from the federal government. After written discovery and deposition the matter reached a confidential settlement and Sonoma County acquired the disputed URL for the Charles M. Schulz Airport.

Result: Confidential settlement and acquisition of the disputed URL for the Charles M. Schulz Airport.

Attorneys: Todd A. Roberts

Key Issues: Misappropriation of Trade Secrets; Foreign Company

Venue: United States District Court for the District of Michigan

Client Type: Defendant Taiwanese Based Company

Description: Represented a Taiwanese based company with U.S. operations from allegations of misappropriation of trade secrets relating to an alleged proprietary manufacturing process. The claim involved approximately \$10 million in alleged damages.

Result: Successfully compelled a dismissal with prejudice.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Copyright Infringement

Venue: USDC: Northern District of California

Client Type: Plaintiff Technology IT Services Company

Description: Represented the plaintiff, an IT services company, in a matter involving 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: Obtained a favorable settlement for the client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Patent Infringement

Venue: USDC: District of Arizona

Client Type: Defendant Semiconductor Company

Description: Representing the defendant, a semiconductor manufacturer, in a patent infringement case alleged against our client and other semiconductor companies.

Result: Obtained a settlement to our client's satisfaction.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trade Secrets; Good Faith and Fair Dealing

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

Client Type: Plaintiff Semiconductor Company

Description: Represented the plaintiff, a semiconductor company, in a matter involving misappropriation of proprietary information and trade secrets, breach of a mutual non-disclosure agreement, breach of the implied covenant of good faith and fair dealing, breach of an employment agreement, unfair competition, breach of the duty of loyalty and declaratory and injunctive relief.

Result: Obtained a confidential, favorable result for our client.

Attorneys: Michael J. Ioannou, Lita M. Verrier

Key Issues: Trademark Infringement, False Advertising

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

Client Type: Plaintiff Semiconductor Company

Description: Represented the plaintiff, a semiconductor company, in a case alleging trademark infringement and false advertising involving Maxim's flagship "Maxim" mark.

Result: The case settled favorably for Maxim after obtaining a stipulated order for a permanent injunction, which caused the defendant to change its mark.

Attorneys: Spencer C. Martinez

Key Issues: Trade Secret Misappropriation; Trademark Infringement; Copyright; Electronic Communications Privacy Act; Computer Fraud And Abuse Act; Breach Of Contract

Venue: USDC, District of Nevada—Southern Division (Las Vegas)

Client Type: Plaintiff Developer of Online Marketing Technology Solutions and Services

Description: Represented the plaintiff in an action to redress the theft of protected data, misuse of software in violation of software license, and harm to protected computers by former employees and "spin-off" competing entity.

Result: We obtained an emergency Temporary Restraining Order to enjoin the exploitation or other use of our Client's protected trade secret data. We also sought and obtained a seizure order and order directing expedited discovery directed to the defendants' removal and attempt to conceal computer data, defendant's ostensible violation of its software license agreement with our Client, and other highly relevant and discoverable evidence.

Upon the expedited discovery, we successfully moved for preliminary injunction continuing the protections of the TRO in place. Upon learning compelling evidence that the injunction had been violated through the continuing use of protected data, we applied to the Court for an order finding defendants in contempt. The matter settled shortly thereafter.

Attorneys: Spencer C. Martinez

Key Issues: Trade Secret Misappropriation, Electronic Communications Privacy Act, Computer Fraud And Abuse Act

Venue: USDC; Northern District of California

Client Type: Defendant Former Officer/ Employee

Description: Represented a former employee accused of assisting other employees with misappropriating protected trade secrets for use in a new competing company.

Result: Defeated an early summary judgment motion by the plaintiff, premised upon purported circumstantial indicia of wrongdoing. Successfully defended against allegations that employee had wrongfully accessed protected computers and communications, harmed or misappropriated employer's data, and thereby worked harm to the employer and its interests. The matter settled shortly thereafter.

Attorneys: Spencer C. Martinez

Key Issues: Breach of Contract, Fraud, Trademark Infringement, Domain Name

Venue: Marin County Superior Court

Client Type: Plaintiff Online Business

Description: Represented the plaintiff in action against a foreign business for breach of a contract to create a collaborative website and to redress theft of trade secret data, trademark infringement and cybersquatting.

Result: The defendant brought a motion to transfer the action to the United Kingdom, relying on Hague Convention's provisions regarding forum selection as applied to the parties' written agreements. We defeated the motion, and the defendant thereafter opted not to defend the claim.

Attorneys: Andrew L. Margulis

Key Issues: Attorney malpractice; patent

Venue: US District Court, Eastern District of NY

Client Type: Third Party Defendant Law Firm/Lawyer

Description: Legal malpractice case arising out of a patent application. Plaintiff invented a video game involving targeted in-game advertising and sought patent protection. Patent application was prepared and filed. Plaintiffs alleged that defendant lawyers/law firm made errors in preparing the patent application and failed to follow through with prosecution of the patent application on a timely basis thereby forfeiting plaintiffs' patent rights in their invention. Plaintiffs sought \$150-200 Million as damages consisting of lost royalties and licensing opportunities for the patent they would have obtained.

Result: After nearly a three week jury trial, we moved for a directed verdict following the defendants' case in

chief. Immediately prior to the court's ruling on our motion and before the case being delivered to the jury, the defendants withdrew their claims against our clients with no consideration or any amounts being paid to defendants on behalf of our clients.

Attorneys:

Key Issues: Footwear; Apparel; Licensing; Trademark; International

Client Type: Fashion Company

Description: Represented a Canadian footwear and apparel company in connection with its worldwide licensing deal and the registration of its trademarks in over 15 countries.

Attorneys:

Key Issues: fashion; apparel; distribution; clothing; international

Client Type: Non-Profit Technology Company

Description: Represented fashion and lifestyle apparel company in connection with its negotiation and execution of a global distribution deal to provide additional sales, marketing, e-commerce, operations and financial support to the brand.

Attorneys: Todd A. Roberts

Key Issues: trade secret; misappropriation; UTSA; sober living environment

Venue: County of Contra Costa Superior Court

Client Type: Plaintiff Owner of Sober Living Environment Homes

Description: Represented plaintiff owner of sober living environment homes against former district manager who set up competing business and diverted clients from plaintiff. Obtained temporary restraining order and preliminary injunction against the defendant, leading to favorable settlement and stipulated permanent injunction.

Result: Obtained temporary restraining order and preliminary injunction against the defendant, leading to favorable settlement and stipulated permanent injunction.

Attorneys: Robert A. Rivas

Key Issues: Trade Dress, Spirits

Venue: United States District Court, Central District

Client Type: Spirits Brand Manufacturer

Description: Celebrity-owned vodka brand, Crystal Head Vodka, sued client Kah Tequila brand manufacturer alleging trade dress infringement over design and shape of a spirits bottle claiming the calavera shaped tequila bottle infringed trade dress of crystal skull vodka bottle.

Result: Successful on motion to dismiss second amended complaint allowing brand to launch and go on to sell hundreds of thousands of cases.

Attorneys: Robert A. Rivas

Key Issues: Trademark media technology international

Venue: United States District Court

Client Type: Optical Media Manufacturer

Description: Client US optical media manufacturer and brand owner brought action in US District Court alleging trademark and trade dress infringement against Taiwanese manufacturer and competitor.

Result: Settled favorably and obtained permanent injunction.

Attorneys: Robert A. Rivas

Key Issues: Trade dress, label, packaging

Venue: United States District Court, Central District

Client Type: Non-Alcoholic Beverage Manufacturer

Description: Client non-alcoholic beverage manufacturer sued competitor for trade dress infringement over design of packaging and label.

Result: Settled favorably.

Attorneys: Stacy Monahan Tucker

Key Issues: Insurance coverage; trademark infringement; slogan infringement

Venue: USDC: Eastern District of California

Description: 3D International was sued by plaintiff for trademark infringement for use of a similar product name and mark. 3D tendered the suit to Peerless Insurance Company under its business liability insurance policy.

That policy excluded coverage for claims of trademark infringement, so the claim was denied. 3D alleged that the "trademark infringement" was properly "slogan infringement," which was covered under the policy. 3D then counter-sued Peerless as a third party defendant in the existing action.

Result: The court granted our motion for judgment on the pleadings, holding that our analysis was correct and the issues in the Boler complaint related to trademark infringement and not slogan infringement as 3D argued.

Peerless was dismissed from the litigation with prejudice.