

---

## **SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION**

---

### **Recent Matters**

#### **Land Acquisitions and Sales**

---

Representation of residential developers in more than 100 separate acquisition and disposition transactions for property throughout the state of California.

Representation of a master developer of a 5,000-plus unit development in the Sacramento, California area.

Representation of a client in acquisitions of assisted care facilities throughout the United States.

---

#### **Lease Transactions**

---

Representation of a technology company in the lease of a 160,000-plus square foot corporate headquarters in Silicon Valley.

Representation of a shopping center owner in retail leases for a shopping center in San Jose, California.

Representation of a manufacturer in lease of a 300,000-plus square foot manufacturing facility and corporate headquarters.

---

#### **Real Estate Financing Transactions**

---

Representation of an institutional lender in a credit extension in excess of \$18 million to a California operating company. The credit extension included a revolving line of credit, real estate term loan, and multiple equipment loans.

Representation of several corporations providing employee loans secured by the employee's residence.

Representation of lenders providing financing for winery operations throughout California and Washington.

Representation of a developer/landlord in financing of several office projects located in Northern California.

Representation of lenders in real property secured financings throughout California.

---

#### **Co-location and Telecommunications Transactions**

---

Representation of a company providing communication services in the acquisition of a data center in Silicon Valley.

Representation of a co-location company in the disposition of Internet data centers in Los Angeles, California and Washington, D.C.

Representation of a co-location company on leases for Internet data centers in Illinois, Virginia, and California.

Representation of a co-location company on construction contracts relating to build-out of Internet data centers.

Advised a co-location company on a "meet-me-room" agreement with landlord.

---

#### **Life Sciences Transactions**

---

Representation of a developer of biotech facilities in acquisition of property in South San Francisco, California.

Representation of a biotech client in the lease of a laboratory facility and office space in Nevada.

Representation of a biotech client in lease of facility in Seattle, Washington.

---

#### **Synthetic Leases**

---

Advised a biotech company in potential synthetic lease financing of a new facility in the Midwest.

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION

---

Representation of a large retailer in a synthetic lease financing of an East Coast distribution center.

Representation of a lender in synthetic lease transactions with three technology companies in California.

Representation of a technology company in a \$400 million synthetic lease financing for a corporate campus in Silicon Valley.

### **Notable Engagements**

#### **Patent Litigation:**

- Represent defendant in eight patent, 100 plus claim patent infringement case which also includes Sherman Act Section 1 conspiracy claim and Sherman Act Section 2 Walker Process monopolization counterclaim involving patents on countermeasures to “side channel” attacks on smart card. (Cryptography Research, Inc. v. Visa International Service Association, United States District Court – San Jose). Pending.
- Represent defendants in patent infringement action alleging infringement of patent involving power and thermal management for notebook computers which allegedly reads on all notebook computers using Microsoft Windows operating system. (IpVenture, Inc. v. ProStar Computer, Inc., et al, United States District Court – Los Angeles). Result: dismissal in favor of defendant clients on ground that patent was not wholly owned by plaintiff. Appeal argued to Federal Circuit on December 6, 2006 and still under submission as of May 1, 2007.
- Represent a defendant in multi-defendant patent litigation involving a patent related to the distribution of information by a combination of CD-ROMs and the public Internet. (Disk Link Corp. v. Oracle Corporation, United States District Court – Texarkana). Pending.
- Represent plaintiff in patent infringement action alleging infringement of patent involving audio cables. Result: summary judgment in favor of defendant, affirmed by Federal Circuit. (Monster Cable Products, Inc. v. AudioQuest, Inc. – United States District Court – San Francisco)
- Tried patent infringement actions to two juries (complaint and counterclaim were bifurcated) involving user interface and other patents (Adobe Systems Incorporated v. Macromedia Systems, United States District Court - Delaware). Result: favorable confidential settlement following trial.
- Represent defendant in action alleging infringement of two patents involving embedded memory semiconductors (logic and memory on the same chip) (NeoMagic, Inc. v. Trident Microsystems, Inc., United States District Court - Delaware). Result: Summary judgment in favor of defendant - client on both patents. One affirmed by Federal Circuit; one affirmed in part, reversed in part, and remanded. Obtained summary judgment in favor of defendant-client second time on remanded patent. Affirmed on appeal to Federal Circuit.
- Represent defendant in action alleging infringement of multiple patents involving Customer Relationship Management software (Mindfabric, Inc. v. Banter, Inc., United States District Court - San Francisco). Result: favorable confidential settlement.
- Represent Monster Cable Products, Inc. in International Trade Commission patent infringement investigation involving mercury free batteries. (In the Matter of Certain

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION

---

- Zero-Mercury-Added Alkaline Batteries ITC - Washington D.C.) Result: favorable confidential settlement.
- Represent Monster Cable Products, Inc. in patent infringement action involving consumer electronics products. (Monster Cable Products, Inc. v. Ultralink, United States District Court - San Francisco). Result: favorable confidential settlement.
  - Represent defendant and counter-claimant in four Northern District of California patent infringement actions involving optoelectronic products. Methode Electronics, Inc. and Stratos Lighwave, Inc. v. Finisar Corporation, United States District Court - Oakland; Methode Electronics, Inc. and Stratos Lightwave, Inc. v. Finisar Corporation, United States District Court - San Jose; Methode Electronics, Inc. and Stratos Lightwave, Inc. v. Finisar Corporation, United States District Court - Oakland; and Methode Electronics, Inc. v. Finisar Corporation, United States District Court - San Francisco. Result: favorable confidential settlement
  - Represent defendant in patent infringement action involving interactive television (Berman v. Wink Communications, Inc., United States District Court - San Francisco). Result: favorable confidential settlement.
  - Represent plaintiff in patent infringement and copyright case involving embedded memory semiconductors (Trident Microsystems, Inc. v. VIA Technologies, Inc., United States District Court - San Jose). Result: favorable confidential settlement.
  - Represent plaintiff in patent infringement action involving epitaxial reactor (Moore Technologies, Inc. v. Process Support International, United States District Court - San Francisco). Result: favorable confidential settlement, as well as favorable confidential settlement from non-party user of infringing device.
  - Represent defendant in patent infringement and trade secret misappropriation action involving epitaxial reactors (Applied Materials, Inc. v. Moore Technologies, Inc., United States District Court - San Francisco). Result: favorable confidential settlement.
  - Represent defendant in patent infringement action arising out of sale of RAID (redundant array of independent disk) memory systems, in which plaintiff sought more than \$100 million in damages (MTI v. Falcon Systems, United States District Court - San Francisco). Result: favorable confidential settlement.
  - Represent nominal defendant and counterclaimant in declaratory relief action for patent infringement action involving magnetrons for semiconductor sputtering systems (Intevac, Inc. v. CVC, Inc., United States District Court - Oakland). Result: favorable confidential settlement. Represent plaintiff scanner manufacturer in patent infringement action against another major manufacturer of scanners (Storm Technology, Inc. v. Visioneer, Inc., United States District Court - San Jose). Result: plaintiff filed for bankruptcy

### **Copyright Litigation:**

- Represent defendant (Adobe Systems Incorporated) in Digital Millennium Copyright Act case alleging that Adobe Acrobat is a circumvention device. (Agfa Monotype Corporation and International Typeface Corporation v. Adobe Systems Incorporated, United States District Court - Chicago). Result: summary judgment for defendant-client
- Represent plaintiff (Adobe Systems Incorporated) in more than twenty copyright infringement actions, some of which have resulted in large settlements and others of which are still pending (United States District Court - San Jose and San Francisco).

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION

---

Favorable published summary judgments and confidential favorable settlements, in Adobe Systems Incorporated v. One Stop Micro and Adobe Systems Incorporated v. Stargate Systems.

- Represent defendant and counterclaimant (Adobe Systems Incorporated) in copyright and trademark infringement action involving unbundling of Adobe Collections software packages. (Softman v. Adobe Systems Incorporated) Obtained seizure order, temporary restraining order and preliminary injunction barring distribution of unbundled software packages. Result: Confidential settlement agreement.
- Represent plaintiff in copyright infringement action against another major software publisher (The Learning Company) alleging infringement of plaintiff's font software (Adobe Systems v. Southern Software, United States District Court - San Jose). Result: Obtained published summary judgment holding for first time that font software is protectable by copyright, as well as \$2 million public settlement and permanent injunction.
- Represent plaintiff in action for copyright and trademark infringement in which seizure order was executed by twelve United States Marshals at the Pomona Computer Fair, and preliminary injunction issued against sale of software in adulterated packaging. (Adobe Systems Incorporated v. H & R Technology, Inc., United States District Court - Los Angeles). Pending.
- Represent plaintiff in declaratory relief action alleging invalidity and non-infringement of defendant's copyrights, and copyright misuse, arising out of participation in "Solution Partner Program" (Softrak Systems, Inc. v. ACCPAC International, Inc., United States District Court - San Francisco). Result: confidential settlement.
- Represent defendant national off-price retailer in federal copyright action involving sale of allegedly counterfeit music CDs (Original Sound Recordings, Inc. v. Ross Stores, Inc., United States District Court - Los Angeles). Result: favorable confidential settlement.
- Represent defendant national off-price retailer in state copyright action involving sale of music CDs (Sheffield, Inc. v. Ross Stores, Inc., Los Angeles Superior Court). Result: favorable confidential settlement.

### **Trademark Litigation:**

- Represent defendant in trademark infringement action (Openwave v. Opuswave, United States District Court - Oakland). Result: favorable settlement.
- Represent plaintiff in trademark infringement action in which court entered partial summary judgment that defendant's removal of educational labels from Adobe software and its subsequent distribution of Adobe software in such adulterated packaging constitutes trademark infringement as a matter of law (Adobe Systems Incorporated v. One Stop Micro, Inc., United States District Court - San Jose). Pending.
- Represent plaintiff in action for trademark infringement in which court entered preliminary injunction enjoining defendant's distribution of educational versions of Adobe software from which the educational labels were removed (Adobe Systems Incorporated v. MacUSA, United States District Court - San Jose). Result: favorable confidential settlement.
- Represent plaintiff in trademark infringement case involving use of the term "universal server" in the computer industry. Defeated Oracle's motion for preliminary injunction

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION

---

(Informix Software, Inc. v. Oracle Corporation, United States District Court - San Francisco). Result: favorable confidential settlement.

### **Trade Secret Litigation:**

- Represent defendant in misappropriation of trade secrets/inevitable disclosure of trade secrets case relating to osmotic drug delivery systems. (Alza v. Andryx, United States District Court - San Jose). Result: favorable confidential settlement.
- Represent defendant (Foreign-based International Fortune 100 Company) in action alleging inevitable disclosure of trade secrets relating to flash memory devices (Advanced Micro Devices, Inc. v. Hyundai Electronics America, Inc., Santa Clara Superior Court). Result: confidential settlement allowing continued development of client's products.
- Represent plaintiff in misappropriation of trade secrets action arising out of letter of intent relating to computer telephony subsystems and components (BTGP, Inc. v. Calista, Inc., Santa Clara Superior Court). Resolved.
- Represent plaintiff in action alleging misappropriation of trade secrets for leading provider of SIMS analysis services against former employee and his new employer. Obtained temporary restraining order and preliminary injunction (Charles Evans Associates v. Accurel, Santa Clara Superior Court). Result: favorable confidential settlement.
- Represent plaintiff in trade secret case resulting from competitor's attendance at confidential marketing presentation (Noosh, Inc. v. Collabria, Inc., San Mateo Superior Court). Result: stipulated permanent injunction and favorable confidential settlement for client.

### **Antitrust Litigation:**

- Represent defendant and counter-claimant in four patent infringement actions involving optoelectronic products. Methode Electronics, Inc. and Stratos Lightwave, Inc. v. Finisar Corporation, United States District Court - Oakland; Methode Electronics, Inc. and Stratos Lightwave, Inc. v. Finisar Corporation, United States District Court - San Jose; Methode Electronics, Inc. and Stratos Lightwave, Inc. v. Finisar Corporation, United States District Court - Oakland; and Methode Electronics, Inc. v. Finisar Corporation, United States District Court, San Francisco. Pending.
- Represent antitrust counterclaimant alleging that patent infringement action was brought against obviously non-infringing accused devices in attempt to monopolize windows notebook graphics accelerator and embedded windows notebook graphics accelerator markets (NeoMagic Corporation v. Trident Microsystems, Inc., United States District Court - Delaware). Pending.
- Represent defendant in bid-rigging and antitrust claims arising out of joint purchase of radioactive cobalt-60 at bankruptcy sale (In Re International Neutronics, Inc., Robertson v. Isomedix, Inc., United States District Court - San Francisco). Result: summary judgment for client, affirmed by Ninth Circuit (3 F.3d 306).
- Represent defendant in antitrust action alleging that patent infringement action was brought in attempt to monopolize modem market (In Re Hayes Modem Patent Litigation, United States District Court - San Francisco). Result: summary judgment for

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS

### CORPORATE & LITIGATION

---

client on ground that invalidity for obviousness cannot support antitrust action based on filing of patent infringement action.

- Provide extensive antitrust advice, including Hart-Scott-Rodino premerger notifications, responses to Civil Investigative Demands, horizontal and vertical restraints, Robinson-Patman and California antitrust laws to a large number of public and private companies in a variety of industries.

#### **Licensing Litigation and Arbitration:**

- Represent defendant in complex royalty dispute involving typefaces and font software. (Heidelberger Druckmaschinen A.G. v. Adobe Systems Incorporated – United States District Court – San Jose). Pending.
- Represent defendant in complex dispute regarding scope of license to produce and distribute font software from licensed typefaces. (International Typeface Corporation v. Adobe Systems Incorporated, United States District Court – Chicago). Result: Favorable confidential settlement for defendant-client.
- Represent defendant in complaint alleging breach of patent license. (Kennington v. Targus Group International, California Superior Court - San Mateo). Result: favorable confidential settlement.
- Represent respondent in arbitration arising out of license of wireless 911 technologies. (Intrado v. Openwave Systems, Inc., American Arbitration Association - Boulder). Result: favorable confidential settlement for defendant-client.
- Represent defendant in arbitration arising out of sale of sophisticated telephony test equipment. (Schlumberger v. Zhone Technology, Inc., JAMS - San Francisco). Result: Unfavorable award but no award of attorneys' fees on ground that outcome was extremely close.
- Represent claimant in arbitration against independent physicians association seeking reimbursement for medical services covered by patients' insurance policies. (CVIMedical Group, et al. v. Santa Clara County Independent Physicians Association, AAA - San Francisco). Result: favorable confidential settlement.
- Represent plaintiff-software licensor in breach of contract dispute with licensee (Madison Information Technologies, Inc. v. Advanced Linkage Technologies of America, Santa Clara Superior Court). Result: favorable confidential settlement.
- Represent public company in JAMS arbitration against its public company distributor/OEM in which more than \$1 million dollar in claims were asserted by each party (Microtech v. Integrated Systems, JAMS - Palo Alto). Result: complete victory for client both on its claims and claims asserted by its adversary.
- Represent developer of PAN film manufacturing technology in binding arbitration brought by entity asserting right to thirty percent of proceeds from exploitation of technology pursuant to an earlier settlement agreement, which dispute turned in large part on the validity and interpretation of certain patents relating to the manufacture of PAN film (The Pan Group v. Solcas Polymer, AAA - San Francisco). Result: favorable confidential settlement.
- Represent start-up software company in binding arbitration seeking \$45 million in damages against client for breach of software development agreement (Clancy Associates v. Avanti, Justice Kane - San Mateo). Result: award against client of only \$300,000.

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS

### CORPORATE & LITIGATION

---

- Represent public client in arbitration brought by former sales representative/ distributor of avionics products seeking more than \$2 million in damages from client (DAC v. Trimble, AAA - Palo Alto). Result: award against client only a fraction of that sought by claimant.
- Represent claimant in AAA arbitration seeking unpaid royalties under software license. (Live Picture, Inc. v. MetaTools, Inc., AAA - Palo Alto). Result: award for claimant, including attorneys' fees.

#### **Representative Corporate Transactions include:**

- \$66 million initial public offering, Renovis, Inc. (February 2004)
- \$99 million initial public offering, Accuride, Inc. (April 2005)
- \$1.7 BN Merger of Integrated Device Technology, Inc. with Integrated Circuit Systems, Inc. (September 2005)
- \$80 million follow-on underwritten public offering, Geron Corporation (September 2005)
- \$50 million follow-on underwritten public offering, Renovis, Inc. (October 2005)
- \$20 million venture financing in Riverbed Technology, Inc. (Meritech Capital Partners) (February 2006)
- \$20 million venture financing in Sourcefire, Inc. (Meritech Capital Partners) (May 2006)
- \$45 million initial public offering, Novacea, Inc. (May 2006)
- \$170 million sale of Netli, Inc. to Akamai Technologies, Inc. ( March 2007)
- \$102 million initial public offering, Mellanox Technologies, Ltd. (February 2007)

#### **Representative Engagements**

- Represented Atom Entertainment in its acquisition by Viacom.
- Represented Ashfield & Co. in its acquisition by Old Mutual Asset Management.
- Represented Symantec Corporation in its acquisition of Sygate Technologies.
- Represented Symantec Corporation in its \$75 million acquisition of Security Focus.
- Represented Codera Wine Group in its \$140 million sale to Pacific Wine Partners.
- Represented Symantec Corporation in its \$900 million acquisition of Axent Technologies.
- Represented Intuit in its \$460 million disposition of its interest in Excite.
- Represented Lam Research Corporation in its \$300 million sale of 4 percent Subordinated Convertible Debentures.
- Represented Hellman & Friedman in its acquisition of Advanstar Communications.

---

#### **Recent Matters:**

---

Assisted Sun Microsystems, Inc. in open sourcing Solaris operating system.  
Purchased intellectual property assets from a financially troubled start-up and renegotiated license with a major university for certain drugs.  
Assisted in financing and licensing strategy for first commercial open source software company.

---

## SAMPLE DEAL LISTS & REPRESENTATIVE MATTERS CORPORATE & LITIGATION

---

Assisted a Global Fortune 50 company to obtain a license with a financially troubled company through establishing a bankruptcy remote entity.

Assisted a Global Fortune 100 company in establishing an intellectual asset management program to exploit its patent portfolio.

Assisted major corporation in investment in MontaVista Software.

Negotiated the license for a medical device from a startup.

Assisted a major publisher to develop and implement a strategy for exploiting its works in online media.

Prepared a program to develop a compatible computer program using "clean room" procedures.

Developed coordinated programs to protect the intellectual property of a major semiconductor manufacturer and a large software company.

Advised on worldwide trademark protection program for several clients, including the owner of major children's book characters.

Negotiated several strategic alliances involving equity investment and technology license for semiconductors with a large multinational company.

Negotiated publishing contract and clearance issues for a retrospective of a major entertainment industry awards ceremony.

Assist with domain name registry in developing policy.

Assisted in preparing a suite of e-commerce agreements for a major multinational corporation.

---

### **Recent Matters:**

---

Representation of a publicly traded company in a complex cross border acquisition.

Representation of publicly traded companies in acquisitions of domestic and foreign technology companies.

Representation of publicly traded and private companies in connection with mergers and sale of assets.

Advised software companies in negotiation of software development and licensing agreements.

Representation of semiconductor start-ups in the negotiation of strategic partnerships involving technology licensing, foundry commitment, and equity investment.

Representation of a public company in multimillion dollar recapitalization and successful defense against hostile tender offer.

Advised software companies in initial public offerings.

Representation of hardware, software, and multimedia companies in venture capital financings.