
Litigation Expertise

Representative Litigations Worked On:

Paramount vs. ReplayTV and SonicBlue

(Federal District Court, Los Angeles, 2001-03) Defended digital video recorder maker against copyright claims based on commercials skipping and video sharing features.

Research in Motion vs. Good Technology

(Federal District Court, Maryland, 2002-03) (settled). Defended developer of handheld communicator software and services against claim infringed copyrights in Blackberry device user interface).

Fannie Mae vs. Global Family Resources

(Federal District Court, District of Columbia, 2002-03) (settled). Asserted claim FANNIE MAE trademark was infringed by GRANNIE MAE mark.

Pollstar v. Gigmania (Federal District Court, Fresno, Ca, 2000). Defended Web publisher of musical performance data against “hot news” claim, in case involving data protection and the enforceability of Web-site terms of use issues.

Symantec vs. McAfee (Federal District Court, San Jose, 1997) (preliminary injunction granted). Asserted copyright claims re code copying of virus and crash protection software.

Broderbund Software vs. Krzemien (Federal District Court, San Francisco, 1997) (counterclaimant’s preliminary injunction denied). Defended software publisher against copyright claim re computer game.

Capcom U.S.A., Inc. vs. Data East Corp. (Federal District Court, San Francisco, 1994 [dismissed]). Defended manufacturer of videogame in major action alleging copyright and trade dress infringement of the “Street Fighter II” videogame. Plaintiff dismissed action with prejudice after partial summary granted against copyright claims and during pendency of summary judgment on trade dress claims.

Lotus Development Corporation vs. Borland International, Inc. (Federal District Court, Boston [represented Borland, 1990-91]). Defended developer of spreadsheet software against copyright infringement claims based on Lotus 1-2-3 menu hierarchy.

Dynamic Microprocessor Associates, Inc. vs. EKD (Federal District Court, Long Island, New York, 1992). Asserted copyright, trademark infringement claims against former licensee, won *ex parte* order of seizure and impoundment of counterfeits of program, preliminary injunction against further copying or distribution.

Brown Bag Software (Telemarketing) vs. Symantec Corporation (Federal District Court, San Jose [1988-89], Ninth Circuit Court of Appeals, 960 F.2d 1465 (1992), *cert. denied* Oct. 5, 1992). Successfully defended against claims of copyright and trade dress infringement regarding “look & feel” of outlining software screen displays.

Candle Corporation vs. Boole & Babbage (Federal District Court, Los Angeles, 1986 [three-month jury trial]). Cross-claims of infringement, invalidity of one of earliest issued software patents.

United States v. Taylor (Federal District Court, Charlotte, North Carolina, 1991). “Superfund” pesticide cleanup litigation; represent former landowner, golf course architect Robert Trent Jones, Sr., in lawsuit and administrative proceedings.

Merle Norman Cosmetics vs. Martin (Ninth Circuit Court of Appeals, 1990). Appeal of denial of preliminary injunction regarding trademark rights.

Logistics Data Systems (A.C. Nielsen) vs. MarketMax (Federal District Court, Dallas, 1988-90). Declaratory relief concerning ownership, copyright infringement of retail display software.

Electric Power Research Institute (EPRI) vs. Acrian Inc. (AAA Arbitration [3-arbitrator panel] three-week evidentiary hearing, 1989-90). Defended manufacturer in dispute over pricing of experimental solar power cells.

Texas Instruments Section 337 DRAM Investigation (Invest. No. 337-TA-242) (Investigative hearings before Administrative Law Judge, Washington, D.C., 1986-87). Defended against Texas Instruments’ proceeding based on alleged patent infringement.

Litigation Expertise

McLaren vs. UCCEL Corporation (Federal District Court, Dallas, 1988-89). Won summary Litigation Expertise judgment awarding plaintiff \$1.3 million escrow fund, rejecting claimed breaches of agreement.

Cambridge Systems Group, Inc. vs. SKK, Inc. (Federal District Court, Chicago, 1983 [two-day judge trial, Seventh Circuit appeal]). Dispute over marketing rights to ACF2 (security systems software).

Henry Earl Duncan vs. Warden of San Quentin (Federal District Court, Santa Ana, 1992 - present; California Supreme Court, 1986 - 92). Habeas corpus proceedings, death penalty case.