

# CALIFORNIA

## Local litigation firms

### Highly recommended

Gibson Dunn & Crutcher

Irell & Manella

Keker & Van Nest

Latham & Watkins

McDermott Will & Emery

Morrison & Foerster

Munger Tolles & Olsen

O'Melveny & Myers

Quinn Emanuel Urquhart Oliver & Hedges

Skadden Arps Slate Meagher & Flom

Wilson Sonsini Goodrich & Rosati

### Recommended

Arnold & Porter

Bingham McCutchen

Blecher & Collins

Cooley Godward Kronish

Covington & Burling

Farella Braun & Martel

Greenberg Glusker

Howrey

Jones Day

Kirkland & Ellis

Morgan Lewis & Bockius

Orrick Herrington & Sutcliffe

Paul Hastings Janofsky & Walker

Sheppard Mullin Richter & Hampton

Sidley Austin

Weil Gotshal & Manges

## Local litigation stars

### Seth Aronson

O'Melveny & Myers  
Securities

### Michael Attanasio

Cooley Godward Kronish  
Complex Business Litigation, Consumer Class  
Actions, Securities

### Wayne Barsky

Gibson Dunn & Crutcher  
Intellectual Property

### Norman Blears

Hogan & Hartson  
Securities

### Daniel Bookin

O'Melveny & Myers  
White Collar Crime

### Theodore Boutros

Gibson Dunn & Crutcher  
General Commercial Litigation

### Robert Brewer

Jones Day  
White Collar Crime

### Brad Brian

Munger Tolles & Olson  
Business Litigation

### James Brosnahan

Morrison & Foerster  
Antitrust, Appellate, Commercial Litigation,  
Intellectual Property, Products Liability, Securities,  
White Collar Crime

### Donald Brown

Covington & Burling  
Insurance

### Joseph Busch III

Gibson Dunn & Crutcher  
Appellate, Securities

### Elizabeth Cabraser

Lieff Cabraser Heimann & Bernstein  
Product Liability, Securities

### Ralph Campillo

Sedgwick Detert Moran & Arnold  
Products Liability

### Morgan Chu

Irell & Manella  
Intellectual Property

### Robert Cooper

Gibson Dunn & Crutcher  
Antitrust, Commercial Litigation, Intellectual  
Property, Legal Malpractice Defense

### Joseph Cotchett

Cotchett Pitre & McCarthy  
Civil and Criminal Litigation

### Joseph Coyne

Sheppard Mullin Richter & Hampton  
Complex Commercial Litigation

### Charles Dick

Baker & McKenzie  
Complex Commercial Litigation

### Scott Edelman

Gibson Dunn & Crutcher  
Media and Entertainment Litigation

### James Elacqua

Dechert  
Intellectual Property

### Jordan Eth

Morrison & Foerster  
Securities

### Anthony Fenwick

Davis Polk & Wardwell  
Intellectual Property

### Robert Fram

Covington & Burling  
Intellectual Property

### Simon Frankel

Covington & Burling  
Intellectual Property

### Koji Fukumura

Cooley Godward Kronish  
Securities

### Thomas Girardi

Girardi & Keese  
Commercial Litigation, Products Liability

### Patricia Glaser

Glaser Weil Fink Jacobs Howard & Shapiro  
Business Litigation

### Richard Goetz

O'Melveny & Myers  
Products Liability

### Melvin Goldman

Morrison & Foerster  
Antitrust, Securities

### Chris Scott Graham

Dechert  
Commercial Litigation, Intellectual Property

### William Grauer

Cooley Godward & Kronish  
Securities

### Melinda Haag

Orrick Herrington & Sutcliffe  
White Collar Crime

**Gary Halling**  
Sheppard Mullin Richter & Hampton  
Antitrust

**Nicola Hanna**  
Gibson Dunn & Crutcher  
Class Actions, White Collar Crime

**Robert Haslam**  
Covington & Burling  
Intellectual Property

**Henry Su**  
Howrey  
Antitrust, Appellate, Intellectual Property

**Christopher Hockett**  
Davis Polk & Wardwell  
Complex Commercial Litigation

**Martin Katz**  
Sheppard Mullin Richter & Hampton  
Entertainment Litigation

**William Keane**  
Farella Braun & Martel  
Civil Litigation, White Collar Crime

**John Keker**  
Keker & Van Nest  
Business Litigation, Criminal Defense, Intellectual Property

**Raoul Kennedy**  
Skadden Arps Slate Meagher & Flom  
Complex Civil Litigation

**Dean Kitchens**  
Gibson Dunn & Crutcher  
Complex Commercial Litigation, Securities

**Linda Kornfeld**  
Dickstein Shapiro  
Insurance

**Robert Krupka**  
Kirkland & Ellis  
Intellectual Property

**Matthew Lehr**  
Davis Polk & Wardwell  
Intellectual Property

**Jeffrey LeVee**  
Jones Day  
Antitrust

**Thomas Malcolm**  
Jones Day  
Business Litigation

**Richard Marmaro**  
Skadden Arps Slate Meagher & Flom  
White Collar Crime

**Harold McElhinny**  
Morrison & Foerster  
Intellectual Property

**Fredrick McKnight**  
Jones Day  
Complex Business Litigation

**Terrence McMahon**  
McDermott Will & Emery  
Intellectual Property

**Stephen Neal**  
Cooley Godward Kronish  
Antitrust, Insurance, Intellectual Property, Products Liability, Securities, Tax Litigation

**Blair Nicholas**  
Bernstein Litowitz Berger & Grossman  
Securities

**Thomas Nolan**  
Skadden Arps Slate Meagher & Flom  
Complex Civil Litigation

**Ronald Olson**  
Munger Tolles & Olson  
Business Litigation

**Gerald Oshinsky**  
Gilbert Oshinsky

**Peter Ostroff**  
Sidley Austin  
General Commercial Litigation

**Kirk Pasich**  
Dickstein Shapiro  
Insurance

**Kathleen Patterson**  
Orrick Herrington & Sutcliffe  
Products Liability

**Daniel Petrocelli**  
O'Melveny & Myers  
Business Litigation

**Debra Pole**  
Sidley Austin  
Products Liability

**Matthew Powers**  
Weil Gotshal & Manges  
Intellectual Property

**John Quinn**  
Quinn Emanuel Urquhart Oliver & Hedges  
Business Litigation

**Ellen Reisman**  
Arnold & Porter  
Products Liability

**Michael Rhodes**  
Cooley Godward & Kronish  
Class Actions, Complex Business Litigation, Intellectual Property

**George Riley**  
O'Melveny & Myers  
Intellectual Property

**Frank Rothrock**  
Shook Hardy & Bacon  
Class Action Litigation, Products Liability

**Allen Ruby**  
Law Office of Allen Ruby  
Intellectual Property

**Miles Ruthberg**  
Latham & Watkins  
General Commercial Litigation

**Kelli Sager**  
Davis Wright Tremaine  
Media and Entertainment Litigation

**Joel Sanders**  
Gibson Dunn & Crutcher  
Antitrust, Complex Commercial Litigation

**David Schindler**  
Latham & Watkins  
White Collar Crime

**David Siegel**  
Irell & Manella  
Securities

**John Spiegel**  
Munger Tolles Olson  
Securities

**Gary Spratling**  
Gibson Dunn & Crutcher  
Antitrust

**Gregory Stone**  
Munger Tolles Olson  
Complex Civil Litigation

**Peter Stone**  
Paul Hastings Janofsky & Walker  
Class Actions, Securities

**Steven Strauss**  
Cooley Godward & Kronish  
Commercial Litigation, Intellectual Property, Real Estate Litigation

**Julia Strickland**  
Stroock Stroock & Lavan  
Class Actions, Financial Services Litigation

**Patrick Swan**  
Luce Forward Hamilton & Scripps  
White Collar Crime

**John Tang**  
Latham & Watkins  
Professional Liability, Securities

**Robert Tarun**  
Baker & McKenzie  
Antitrust, Commercial Litigation

**Daniel Tyukody**  
Orrick Herrington & Sutcliffe  
Securities

**Robert Van Nest**

Keker & Van Nest  
Complex Business Litigation, White Collar Crime

**Perry Viscounty**

Latham & Watkins  
Intellectual Property

**Peter Wald**

Latham & Watkins  
Antitrust, Intellectual Property, Securities

**Daniel Wall**

Latham & Watkins  
Antitrust

**David Walsh**

Paul Hastings Janofsky & Walker  
Securities

**Tammy Webb**

Shook Hardy & Bacon  
Class Action, Complex Commercial Litigation,  
Products Liability

**Douglas Young**

Farella Braun & Martel  
Antitrust, Business Litigation, Intellectual Property,  
White Collar Crime

**Thomas Zaccaro**

Paul Hastings Janofsky & Walker  
Securities

**Future stars**

Eric Acker  
Morrison & Foerster

N. Thane Bauz  
Paul Hastings Janofsky & Walker

Todd Benoff  
Alston & Bird

Frederick Chung  
Gibson Dunn & Crutcher

Jon Dean  
McDermott Will & Emery

Ethan Dettmer  
Gibson Dunn & Crutcher

Peter Drobac  
McDermott Will & Emery

Michael Farhang  
Gibson Dunn & Crutcher

Brian Ferrall  
Keker & Van Nest

Adam Fox  
Squire Sanders & Dempsey

Sean Gates  
Morrison & Foerster

Lisa Gilford  
Alston & Bird

Patrick Gunn  
Cooley Godward Kronish

Russell Hill  
Howrey

Jonathan Kagan  
Irell & Minella

Leigh Kirmseé  
Howrey

Keith Klein  
Bryan Cave

Andrew Klungness  
Bryan Cave

Leo Lam  
Keker & Van Nest

Craig Martin  
Morrison & Foerster

Sonia Martin  
Sonnenschein Nath & Rosenthal

Joseph Meckes  
Squire Sanders & Dempsey

George Nicoud  
Gibson Dunn & Crutcher

G Charles Nierlich  
Gibson Dunn & Crutcher

L Scott Oliver  
Morrison & Foerster

Dan Perry  
Milbank Tweed Hadley & McCloy

Julian Poon  
Gibson Dunn & Crutcher

Michael Scarborough  
Sheppard Mullin Richter & Hampton

Stephanie Skaff  
Farella Braun & Martel

David Stickney  
Bernstein Litowitz Berger & Grossman

Henry Su  
Howrey

Nancy Thomas  
Morrison & Foerster

Alison Tucher  
Morrison & Foerster

Carlo Van den Bosch  
Sheppard Mullin Richter & Hampton

Steven Velkei  
Sonnenschein Nath & Rosenthal

Anthony West  
Morrison & Foerster

Anthony Young  
Sheppard Mullin Richter & Hampton



# California

**In tech-centric California, patent cases are trending down due to the high cost of prosecuting them. Attorneys continue to see non-practicing entities, or “patent trolls”, bring patent suits against entire industries. The Northern and Central Districts of California are on a trajectory to become the new “rocket docks” since they were early adopters of patent rules. New case law out of Texas that loosens the restrictions for transferring venue will only hasten this trend. Partners also anticipate an uptick in antitrust work, and many are convinced that the government will be investigating more price-fixing cases, in order to counter dominant firm conduct in the technology sector.**

## Highly recommended firms

### Gibson Dunn & Crutcher

The California offices of Gibson Dunn are known for handling large antitrust matters. Partners **Robert Cooper** and **Daniel Floyd**, both in the Los Angeles office, defended Intel in one of the largest Section 2 cases in history, as determined by the size and importance of the market at issue. The plaintiff, AMD, is Intel’s largest competitor in the market for microprocessors, and AMD alleges that Intel has monopolized that market by offering discounts to manufacturers which result in near-exclusive dealing arrangements with customers. The case is set for trial in March 2010.

**Wayne Smith** and **Joseph Busch**, working in the firm’s Orange County office, earn high praise from peers that have worked alongside them on securities matters. A client also notes that “Wayne [Smith] is very experienced in securities work, particularly in the trial area. When you have him involved, it shows you are willing to try a case.” **Joel Sanders**, who works on antitrust matters out of the San Francisco office, represents Chungwa Picture Tubes, a major producer of LCD panels and cathode ray tubes, in consolidated class actions brought by direct and indirect purchasers of monitors and televisions. He and **Gary Spratling** have helped the company negotiate a recent plea agreement with the Department of Justice. **Scott Edelman** is another notable partner, focusing his practice on media and entertainment matters out of the Century City office.

The series of cases known as the “hot fuels” litigation demonstrates Gibson’s ability to handle complex procedural and substantive legal issues. Plaintiffs are attacking the way that fuel is sold to customers at retail, and are filing unfair business practice and misrepresentation suits in the most populous states all over the country. Gibson represents Flying J, a trucking firm that is also a diesel retailer. The case is procedurally complex, with potentially over 100 million class members and over 150 defendants.

### Irell & Minella

Irell & Minella is “one of the top firms on the West Coast in securities litigation” and has a

“fantastic intellectual property litigation practice” according to partners in these respective fields. Some competitors mention a persistent rumor that the firm will be downsizing its transactional practice to focus more heavily on litigation matters. The firm has offices in Century City and Newport Beach. Clients include Viacom, Paramount Pictures, CBS, and Wynn Resorts.

Irell & Minella is experienced with director and officer work, and partner **David Siegel** is often noted as an expert in the field. His practice focuses on the defense of securities class actions and investor claims against corporations and their boards. Siegel has served as lead defense counsel in derivative class actions in state and federal courts across the country, as well as representing clients in government investigations.

“Clients think the world of **Morgan Chu**,” states a competitor. Another calls him “one of the top intellectual property litigators in the country.” Chu has served as lead trial counsel in a number of high stakes litigations, including cases for TiVo and Texas Instruments. His expertise in patent litigation is unrivalled in the state, and he has won significant defense verdicts on claims of patent infringement, one of which is recorded as the largest damages award ever affirmed on appeal by the California courts.

### Keker & Van Nest

Keker & Van Nest built its reputation by advising clients on investigations resulting from criminal prosecutions. Today Keker & Van Nest enjoys a large and well-regarded patent practice, and is also revered for its trial work. Four partners defected in February 2009 to start their own intellectual property boutique, but according to competitors, “the bench there is still very deep.”

Name partner **John Keker** is recognized as one of the most effective white-collar criminal defense attorneys in the country. He represents the Major League Baseball’s Player’s Association in a series of cases arising from the government’s attempted seizure of players’ drug testing results and urine samples. The firm successfully obtained a court order compelling the government to return the samples, and is currently awaiting decision on the issues that

have gone on appeal to the Ninth Circuit. Keker has also represented General Vang Pao, who was arrested in June 2007 for allegedly conspiring to overthrow the Laotian government and faces charges under the Federal Neutrality Act.

This year, partner **Robert Van Nest** represented client Taiwan Semiconductor Manufacturing Co. in one of the largest high-tech trade secrets cases in history. The case, which is awaiting decision from the Alameda County Superior Court, was brought by TSMC in an effort to recover damages when the defendant allegedly breached a plea agreement reached as part of a 2006 settlement for claims of misappropriation of trade secrets and patent infringement. Clients describe Van Nest as having “boundless energy. He is also very practical and very effective at communicating with juries.” **Brian Ferrall**, a junior partner, handles high stakes patent, trademark, trade secret, and copyright cases for clients like Google, Comcast, and Genentech.

### Latham & Watkins

With five offices around the state, Latham & Watkins is a major presence in the California legal market. Competitors note that the firm is most highly regarded for their transactional work, but recently they have increased their litigation efforts, and have added high profile practice areas like appellate work in order to boost the firm’s prestige and brand name recognition. Like many firms across the country, Latham has been forced to release a lot of attorneys at the associate level, but this has affected the transactional practice more heavily than the litigation department. The firm’s reinsurance coverage practice is also recognized by peers as one of the most impressive in the state. Latham also has an active IDR practice out of California, and the firm also handles environmental litigation and regulatory work out of the Southern California offices.

Latham has a particularly strong patent practice, and clients that have worked with the firm’s intellectual property litigators are impressed. In particular, “Mark Fligel and Robert Steinberg are very creative” says a client, and “they come up with ideas that nobody else has come up with, and are very quick to respond to difficult situations.” The firm’s antitrust work on the West Coast is handled primarily in San Francisco. **Daniel Wall** heads this practice, and has recently represented Electronic Arts in connection with an FTC investigation of EA’s proposed hostile takeover of Take-Two Interactive software. The FTC effectively cleared the transaction in August of 2008. Other notable California litigators include **David Schindler** who contributes to the white-collar crime practice out of the Los Angeles office. **Peter Wald** serves as the firm’s global litigation chair and **Miles Ruthberg** is mentioned for his strong work in general commercial litigation.

**McDermott Will & Emery**

The California offices of McDermott Will & Emery, which include outposts in Los Angeles, Silicon Valley, Orange County and San Diego, are particularly strong in intellectual property work. Recently the firm lost Bob Rothstein, a copyright partner, but the firm is still home to some remarkable talent. **Terrence “Terry” McMahon** is the firm-wide head of the intellectual property, media, and technology department. One client remarks “Terry has been at it for a very, very long time, and he is “almost a force of nature,” while the intellectual property group as a whole is described as “smart, hardworking, with a never-give-up attitude.” Eric Hagan is also praised by clients for his patent and trademark work. “Eric is insanely smart, tenacious about finding angles and solutions to problems, completely dedicated and always responsive and available.”

Apart from their notable intellectual property work, McDermott also handles securities, white-collar, and general commercial matters from their California offices. Partner **Matthew Jacobs**, in the Silicon Valley office,

involved in a multi-district litigation that charged nine fuel companies with conspiring to fix fuel surcharges. The firm handled the briefing and oral arguments, and convinced the court to consolidate the actions in Atlanta, Georgia where the client maintains its corporate headquarters.

Another notable partner is **Jordan Eth**, who handles litigation at the forefront of the credit crisis. He represents eleven of Countrywide’s Financial Corporation’s outside directors in federal and state securities class actions resulting from the much publicized dramatic drop in Countrywide’s stock price. **James Brosnahan** has defended client LucasFilms against breach of contract claims in connection with a cancelled licensing agreement due to product manufacturing defects. The case was settled before trial when the court entered a permanent injunction against the plaintiffs. The case is one of a growing number of international cases that demonstrate the potential liability that lurks for U.S. companies who contract with international manufacturing companies.

**O’Melveny & Myers**

O’Melveny & Myers has offices in Los Angeles, San Francisco and Silicon Valley, but its work in Southern California garners the most attention. **Seth Aronson** is based out of Los Angeles and is the chair of the firm’s securities litigation practice. Along with a team from O’Melveny’s New York office, he is advising Bank of America in a litigation brought by various municipalities alleging that Bank of America caused thousands of foreclosures by originating mortgages that they knew borrowers would be unable to repay, thereby damaging property values and harming the cities. There is additional praise for partners **Dan Petrocelli’s** national trial practice and **Richard Goetz’s** products liability practice.

The firm’s San Francisco office is not without big names. A competitor praises **George Riley** as “a great litigator”, and goes on to explain “clients love him because he’s dogged, leaves no stone unturned, and is on 24/7.” Another claims “He is number one in the IP bar in the Bay Area.” He works on all manner of intellectual property cases, including patent, trademark, copyright and trade secret disputes. **Daniel Bookin**, another San Francisco litigator, focuses his practice on his white-collar criminal defense and internal investigations.

**“Munger Tolles & Olson is a shop that knows how to prepare and try a case, and because they can do that effectively, they can get a better result before trial,” remarks a competitor.”**

was successful in the representation of a former vice president at Intermune, David Cory, who was indicted by the Department of Justice and the San Francisco U.S. Attorney’s office for alleged off-label marketing of a pharmaceutical drug. Jacobs was able to persuade the government to cease its investigations without imposing any civil or criminal sanctions, and instead entered into a binding plea agreement that prevents the government from prosecuting Mr. Cory in the future.

**Morrison & Foerster**

“Morrison & Foerster has the werewithal to be responsive to a client’s needs” according to one satisfied client. The firm has an especially strong reputation in patent litigation in California. **Harold McElhinny**, from the San Francisco office, is noted for his work in large and complex patent disputes. He represents, along with Palo Alto-based partner Karl Kramer, Osaka-based company Funai Electric Co. in an ITC action in which plaintiff Funai alleges that 14 manufacturers and importers of digital televisions infringed on Funai’s digital television patents. After a two week trial, Funai obtained an order prohibiting importation of the infringing products into the U.S.

Morrison & Foerster’s antitrust practice is also considered one of the strongest in the state. On behalf of client UPS, and under the leadership of Paul Friedman (San Francisco) and **Greg Koltun** (Los Angeles), Morrison & Foerster led the joint defense team that was

**Munger Tolles & Olson**

“Munger Tolles & Olson is a shop that knows how to prepare and try a case, and because they can do that effectively, they can get a better result before trial” remarks a competitor.

**Brad Brian** specializes in complex commercial litigation out of Los Angeles. A competitor notes that he “has never heard a word spoken about him that wasn’t outstanding.” He has experience in many of the most active areas of litigation, including FCPA work, False Claims Act cases, SEC and DOJ investigations, and professional liability matters. The firm also has a strong reputation in antitrust. **Gregory Stone** has worked with clients like The Vons Companies and Rambus Inc. on class actions alleging price fixing and actions brought by the FTC for anticompetitive conduct. **John Spiegel** represents former officers and directors of IndyMac Bank and New Century Financial Cooperation in connection with charges stemming from the current financial crisis. He has worked on securities class actions and federal derivative suits for clients including Northrop Grumman Corporation, The Walt Disney Company, Mattel, Inc., and Occidental Petroleum Corporation. “People think very highly of **Ronald Olson**,” notes an attorney at another California firm. His practice involves a combination of litigation and corporate counselling, and clients include Yahoo!’s board of directors, Shell Oil Company, and Michael Ovitz.

**Quinn Emanuel Urquhart Oliver & Hedges**

Quinn Emanuel has always been thought of as a West Coast powerhouse, with offices in Los Angeles, Silicon Valley, and San Francisco. With only a fraction of the number of litigators as other national firms, Quinn Emmanuel still handles an impressive volume of work, and has overseen a staggering amount of successful resolutions. The firm is quick to emphasize its trial experience in everything from antitrust to intellectual property to insurance matters. Unlike most national firms, Quinn Emanuel practices litigation exclusively. The majority of the firm’s work is on the defense side, and their intellectual property practice, particularly in California, is quite active.

Peers have high praise for **John Quinn**, calling him “a stud” and “very smart, and very driven, with a great reputation.” Most notably, Quinn represents Mattel in the high profile and highly acrimonious case in which Mattel is alleging theft of trade secrets against MGA Entertainment, the company which sells the popular “Bratz” line of dolls. After a seven week trial, the jury found that the defendant and its CEO intentionally interfered with, and aided and abetted, the doll designer’s contractual and fiduciary duties to Mattel, and awarded Mattel \$100 million in damages.

**Skadden Arps Slate Meagher & Flom**

A competitor in Southern California elaborates on Skadden’s presence in the market: “their commercial litigation practice in Los Angeles is very strong. They cover pretty much every kind of business dispute. **Tom Nolan** is very good lawyer and is well regarded in this town.” Thomas Nolan, one of the most senior attorneys at the firm, led the trial team that

represented MGA Entertainment in one of the most hotly contested intellectual property disputes in recent memory. While the jury found that defendant MGA Entertainment had infringed the plaintiff's trademarks on the "Bratz" line of fashion dolls, the \$100 million awarded in damages was significantly less than the \$2.3 billion that Mattel had sought. One fellow litigator observed Nolan at the trial and

In September 2008, the firm hired Elizabeth Peterson to join its Palo Alto office and work on white-collar criminal defense and complex commercial litigation matters. Peterson has extensive trial experience, and served as a U.S. Attorney for the District of Minnesota. Her familiarity with multiple aspects of criminal law will be assets to the firm's growing white-collar crime practice.

business litigation. "Max Blecher is a terrific plaintiff's lawyer" claims one competitor. Max Blecher and David Kesselman represent consumers in an antitrust class action filed in Los Angeles federal court against media and cable companies, including Time Warner Cable, Comcast, DirectTV, EchoStar and Cablevision. The complaint alleges that unfair restraints of trade and violations of the Sherman Act result from industry wide agreements that effectively force distributors to purchase licenses for prepackaged bundles of channels, rather than only the specific channels that they are interested in purchasing.

#### Cooley Godward & Kronish

"From the moment I met the attorneys at Cooley, they were incredibly strong and provided very insightful guidance" states a client. He also reflects that "in terms of standard white-collar criminal defense skills they were perfect, but they also made some thoughtful but audacious moves that were very successful."

**Michael Attanasio** earns high praise for his work in white-collar criminal litigation. His work to gain the acquittal of a former partner and auditor at Arthur Andersen has been commended around the state. "Stephen Neal handles a lot of high profile cases" according to a fellow litigator. One such case was the March 2009 acquittal of Kent Roberts, the former general counsel at McAfee, on charges brought by the SEC relating to stock options backdating. Not only was Roberts cleared of criminal wrongdoing in October 2008, but he did not face any civil penalties as a result of the investigation. Other partners on the case include Neal Stevens and Bill Freeman. "Bill Grauer is nationally known in the securities bar" claims another local litigator. **Steven Strauss** served as lead counsel to Qualcomm in a major patent dispute against Nokia.

#### Farella Braun & Martel

Farella Braun & Martel, a major presence in Northern California, is active in all areas of litigation, but acts as plaintiff counsel in most matters. Currently the firm is representing plaintiff Visa in its suit against Meritz for that company's alleged failure to deliver a reward system for the plaintiffs as contractually stipulated. Partners Robert Holtzapfel, Rod Thompson, and Karen Kimmey were successful on all motion work, and convinced the court to grant their petition to compel arbitration. "People have nothing but wonderful things to say about **Doug Young**" says a competitor. Young is working on a series of high-profile products liability matters for client Vulcan Materials Company. **William Keane** is also mentioned for his white-collar criminal defense work.

#### Greenberg Glusker

Greenberg Glusker is known as a powerhouse in entertainment litigation. From the firm's Los Angeles office, partners handle everything from licensing disputes, to contract claims, to

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noted "I watched him in a hearing and was very impressed. He had a very nice manner in the courtroom."

**Richard Marmaro** focuses his practice on white-collar criminal defense out of the Los Angeles office. Marmaro represents Gregory Reyes, the former executive CEO of Brocade Communications Systems, who was the first individual to face criminal charges for stock options backdating. Marmaro continues to represent Reyes in the civil and SEC enforcement actions that are pending against him. "Raoul Kennedy is strong in all kinds of litigation," notes a competitor from the San Francisco area. In June 2008, Kennedy obtained dismissal of a *qui tam* action on behalf of the city of San Francisco's Pier 39 complex, when the court ruled that the plaintiff had failed to allege facts that would support a conclusion that the Pier had underpaid under its master lease with the city.

#### Wilson Sonsini Goodrich & Rosati

Wilson Sonsini is known for its securities work in Northern California. The firm has offices in Palo Alto, San Diego, and San Francisco. The firm was founded in Silicon Valley in 1961, and this location in particular has been a hotspot for the firm's litigation practice. Wilson Sonsini represents Google in its bitter battle with Viacom. Viacom is seeking damages for the alleged infringement of copyrighted works on Google-owned YouTube. Viacom filed an amended complaint in May 2008, with Google vowing to take the case to the Supreme Court, if necessary.

The firm's roots in Northern California have allowed it to develop experience in the technology and life sciences industries. The San Diego office, opened in 2004, was established to assist regional clients in industries like pharmaceuticals, healthcare, medical devices, telecommunications, and software. Naturally, the partners throughout the California offices have also developed expertise in intellectual property litigation. Representative clients include Broadcom, HP, Brocade, Sun Microsystems, and Amkor Technologies.

#### Recommended firms

##### Arnold & Porter

The California market is more likely to see Arnold & Porter as a litigation and regulatory powerhouse in Washington, D.C. rather than on the West Coast. According to a competitor, "the firm's footprint in Los Angeles has been eroding since the tobacco litigation that it had been handling dried up." Still, the firm's offices in Los Angeles and San Francisco handle significant cases, especially in the antitrust and intellectual property spheres. **Ellen Reisman** is involved in products liability matters out of the firm's Los Angeles office. Her practice involves representation of pharmaceutical, medical device, and biotechnology companies including Wyeth, Pfizer, and Hoffman-LaRoche.

##### Bingham McCutchen

In July 2009, Bingham McCutchen acquired McKee Nelson, a corporate firm that had been struggling due to the virtual paralysis of the structured finance market. McKee Nelson was known for its preeminent tax and financial services litigation, which will be a significant addition to Bingham's practice. McKee also brings a strong white-collar crime practice to the new firm.

Don Pickett represents Oracle in a billion dollar copyright infringement case in which Oracle is suing SAP for interference with customer relations and violations of the Copyright Act and Consumer Fraud and Abuse Act. Pickett also represents Intel in over 75 consumer class actions pending in Delaware which allege that Intel's sales and marketing practices for its microprocessors violate state and federal antitrust laws. The cases will have a significant impact on the microprocessing and computer industries in that if the court chooses to intervene, rampant price competition in the industry will be dramatically curtailed.

##### Blecher & Collins

Based in Los Angeles, Blecher & Collins is known for its work in antitrust and complex

copyright and trademark infringement actions and other intellectual property disputes. Aaron Moss specializes in copyright matters, recently arguing on behalf of Classic Media against the heirs of the author of “Lassie Come Home”, in a case which will have implications for how the Copyright Act’s statutory termination provisions will be applied. Bonnie Eskenazi has handled complex entertainment litigation, including defending the estate of J.R.R. Tolkien in a case against New Line Cinema regarding profit participation issues.

#### Howrey

In June 2009, Howrey announced that it would be merging with Day Casebeer Madrid & Batchelder, an intellectual property boutique with a significant presence on the West Coast. Howrey, already known as an intellectual property powerhouse, is expected to benefit greatly from the addition of 27 new lawyers to its Cupertino office in Northern California. Since both firms share clients, like Amgen and Symantec, and are focused exclusively on litigation, the merger has been viewed as a natural one. **Russell Hill** focuses on patent litigation out of the firm’s Irvine office, and has tried cases before the ITC and in federal district courts. His particular expertise lies in the field of electronic arts.

#### Jones Day

The Los Angeles office of Jones Day welcomed new talent in May 2009, when seven bankruptcy and restructuring lawyers from rival Kirkland & Ellis defected to join the former firm’s Southern California team. Jones Day has recently seen an uptick in its work with bondholders and creditors’ committees, and with its five offices in California this will bolster the firm’s presence at a time when there is no shortage of demand for this type of work. **Robert Brewer** handles white-collar criminal matters out of the firm’s San Diego office, and has trial experience representing directors, officers, employees and other parties in actions across the country. **Jeffrey LeVee** is recommended for his antitrust work. He works out of the firm’s Silicon Valley office.

#### Kirkland & Ellis

Competitors recommend Kirkland & Ellis for their “high quality people” and their “good patent group.” **Robert Krupka** is consistently recognized as one of the best patent lawyers in the state. One of Krupka’s competitors in the Los Angeles area remarks “I was watching him in trial, and he has excellent feel for the jury and a stunning command of the law.” Krupka has handled cases before the International Trade Commission, and has extensive experience arguing before the Court of Appeals for the Federal Circuit. In January 2009 he and colleague Alexander MacKinnon successfully argued a ten-day jury trial for client Limelight, in which the jury found that Limelight had not committed infringement, thereby avoiding the \$100 million in damages that the plaintiff sought.

#### Morgan Lewis & Bockius

Competitors note that Morgan Lewis’ presence in New York is much stronger than in California. However, the Los Angeles office handles a large amount of insurance coverage litigation, and the Palo Alto office naturally takes on a large number of intellectual property matters, especially patent litigation for the technology and life sciences industry. The partners in the San Francisco office try cases across all practice areas, including products liability and white-collar crime. After firing 55 lawyers in March, in another sign of difficult times for corporate law firms, Morgan Lewis cancelled its summer hiring program for associates. The firm continues to hire lateral partners, but its 2009 summer associates are being asked to defer their start dates until 2011.

#### Orrick Herrington & Sutcliffe

San Francisco-based Orrick Herrington & Sutcliffe is particularly well known among California litigators for its work in issuer and director liability out of the Los Angeles office. **Daniel Tyukody** represents these types of clients in securities class actions and derivative cases, and counsels audit committees and special committees conducting investigations. San Francisco partner **Melinda Haag** is recommended for her white-collar criminal defense work. In 2009, she successfully defended Eric Deller, the former general counsel of Peregrine, against charges of conspiracy, securities fraud, wire fraud, and bank fraud brought by the U.S. Attorney’s office. Peers recognize that **Kathy Patterson** is a “heavy hitter in the pharmaceutical industry.” She has represented Abbott Laboratories, Bayer, Genentech, and Bristol-Meyers Squibb, among others. Like Morgan Lewis, Orrick chose to suspend its summer associate program in 2009, a sure sign that the firm is recalibrating some of its recruiting measures.

#### Paul Hastings Janofsky & Walker

**Thomas Zaccaro** handles securities and FCPA work out of the firm’s Los Angeles office. He recently represented the former CEO, CFO, and Controller of a major pharmaceutical company. The company, represented by another law firm, was prepared to settle and plead to all charges, but the SEC investigation as to the individual’s alleged misconduct was terminated. **David Walsh** handles securities litigation out of the firm’s Los Angeles office, and has represented clients ranging from Amgen to Nestle’s to Wells Fargo Bank. He has defended several class actions at trial, including alleged violations of the UCL and CLRA. **Peter Stone** is another securities litigator, working in San Francisco. He has defended corporations, mutual funds, accounting firms, securities brokerage firms and other clients in stock options backdating cases, 10b-5 cases, shareholder derivative suits and other actions.

#### Sheppard Mullin Richter & Hampton

A satisfied client of Sheppard Mullin notes

“you don’t have to chase the partners there for the answer or follow up five times. Notwithstanding their other priorities, the client contact from the firm exceeded my expectations.” The intellectual property group at Sheppard Mullin serves national clients in both the telecommunications and computer data management industry. **Amar Thakur** acted as lead counsel on behalf of Quantum with respect to multiple patent infringement claims relating to data storage products. The case was settled before trial. **Martin Katz**, another major player in the firm’s intellectual property department, represents Disney in a series of cases that have had major implications for the entertainment industry, in that the Ninth Circuit discussed the proper interpretation of claims for breach of the implied covenant of good faith and fair dealing.

#### Sidley Austin

When Heller Ehrman dissolved in 2008, the San Francisco office of Sidley Austin attracted some of the firm’s brightest talent to its litigation group. Six partners made the move to Sidley, including Sara Brody, whose work in securities class actions and derivative litigation is consistently referenced as the best in the state. “Sidley Austin is a very strong commercial litigation firm” claims a competitor. The team is recognized for their defense of accounting malpractice cases in particular. One of the firm’s largest clients is KPMG.

**Peter Ostroff**, out of the Los Angeles office, has particular expertise defending complex class actions and significant experience handling employment issues such as wrongful termination and employment discrimination. According to a client that has used the firm for product liability matters, “**Debra Pole** is magnificent in front of a jury, because she has the ability to capture their trust and imagination.”

#### Weil Gotshal & Manges

Weil Gotshal receives consistently positive feedback for its patent and copyright litigation practice out of California. Major clients in their patent practice include MTV, AOL, and MySpace. Competitors describe partner **Matthew Powers** as one of the best patent litigators in the state. Located in Silicon Valley, Powers serves as the co-head of the litigation department. In a case argued before district court in Northern California in August 2008, Powers and his patent litigation team successfully protected client Medici’s Pharmaceutical Corporation’s patent for acne medication against a suit brought by a generic manufacturer that sought a declaratory judgment that Medici’s patent was invalid. The case went up to the Federal Circuit on appeal, where the court affirmed the district court’s decision to dismiss the claim for lack of subject matter jurisdiction. The case has helped elucidate the extent of declaratory judgment jurisdiction in the wake of the Supreme Court’s decision in *Medimmune*.

**ANTHONY I. FENWICK****DAVIS POLK & WARDWELL LLP**

1600 El Camino Real  
Menlo Park, CA 94025  
Tel: 650 752 2000  
Fax: 650 752-2111  
Email: anthony.fenwick@davispolk.com  
Web: www.davispolk.com

Mr. Fenwick is a partner in Davis Polk's Litigation Department, based in the Menlo Park office. He has extensive experience litigating patent infringement and other intellectual property cases, as well as complex commercial disputes concerning technology-related issues. Mr. Fenwick has handled matters spanning a wide variety of industry sectors and technologies, including cable broadcasting; digital television; DVRs and video-on-demand systems; broadband data and telecommunications networks; digital telephony; automated call processing; social networking systems; minimally invasive surgical devices for endovenous ablation; monoclonal antibodies; enzyme development; ethanol production; flash memory cards; FPGAs and IC design verification systems; and semiconductor cache memory architectures. He has also handled the defense of a copyright infringement action on behalf of a major motion picture company. Mr. Fenwick has substantial bench and jury trial experience in the federal district courts and has litigated in numerous California state courts and before the International Trade Commission.

**Professional history**

- Partner, Davis Polk, 2007-present
- Partner, Latham & Watkins, Silicon Valley office, 2000- 2007
- Associate, Latham & Watkins, 1992-1999
- Law Clerk, Hon. William Matthew Byrne, Jr., U.S. District Court, C.D. California 1991-1992

**RICH GOETZ****O'MELVENY & MYERS LLP**

400 South Hope Street  
Los Angeles, CA 90071  
Tel: 213 430 6400  
Fax: 213 430 6407  
Email: rgoetz@omm.com  
Web: www.omm.com

Rich Goetz is chair of the firmwide Class Actions, Mass Torts, and Aggregated Litigation Practice, and leads the firm's products liability practice, which was shortlisted to receive an "Award For Excellence" from Chambers USA (2008). In 2008 and 2009, he was recognized by Legal 500 United States for "excellent" products liability defense work. He has defended individual, mass, and class actions across the country against medical device and prescription drug manufacturers, food companies, hotel chains, an automobile manufacturer, a boat manufacturer, a retail store chain, and a mining company. His recent clients include Johnson & Johnson and Merck & Co. He has spoken on California's unfair competition laws at Mealey's Litigation Conferences and has been a member of the national faculty for the ABA's Annual National Institute on Class Actions.

Rich also has extensive experience litigating insurance disputes. He represented insurers in the highly publicized class actions challenging insurance broker compensation, and is lead counsel in a major insurance coverage action pending in the California Supreme Court. Rich is recognized by Chambers USA as one of the top insurance litigators in the United States. He has been invited by the California Court of Appeal to file amicus briefs in highly publicized insurance coverage litigation.

**CHRIS HOCKETT****DAVIS POLK & WARDWELL LLP**

1600 El Camino Real  
Menlo Park, CA 94025  
Tel: 650 752 2000  
Fax: 650 752-2111  
Email: chris.hockett@davispolk.com  
Web: www.davispolk.com

Mr. Hockett is a member of Davis Polk's Litigation Department, practicing in our Menlo Park office. He represents clients in a broad range of complex commercial litigation matters, including antitrust and unfair competition disputes, patent litigation and consumer class actions. He has also counseled and represented clients in connection with government investigations and the antitrust aspects of mergers and acquisitions. His clients have included well-known technology and telecommunications companies such as AT&T, Cadence Design Systems, Comcast, Hewlett-Packard, Intel, Oracle and T-Mobile. Mr. Hockett has also represented a variety of leading companies in other industries, including financial services, media, manufacturing and health care.

**Work highlights**

- Lead counsel for wireless communications company in dozens of consumer class actions in more than 20 states challenging the legality of early termination fees, late fees, handset locking practices, arbitration agreements and text message pricing
- Lead counsel in over 100 antitrust class actions in industries such as microprocessors, telecommunications, medical equipment and chemical manufacturing
- Lead counsel in more than a dozen patent lawsuits involving a variety of technologies, including computers, software, e-commerce, medical devices, optical networking and telecommunications
- Lead counsel for large software company in high profile trade secrets, copyright, interference with economic advantage and business theft case against largest competitor
- Lead antitrust counsel for several multi-billion dollar mergers, including largest cash merger in U.S. history
- Tried and won defense judgment in antitrust action filed to stop newspaper merger and related divestiture
- Lead counsel in a variety of securities class action and derivative claims in industries such as accounting, finance and telecommunications

**Recognition**

Listed as a leading lawyer in several legal industry publications, including:

- *Chambers USA: America's Leading Lawyers for Business*
- *Woodward/White's Best Lawyers in America*
- *Legalease's The Legal 500 US*
- *Practical Law Company's Cross-border Competition and Leniency Handbook*

**Of note**

- Author of numerous publications on antitrust matters
- Frequent speaker on trial advocacy, intellectual property and competition issues

**Memberships**

- Member, House of Delegates, American Bar Association, 2009-present
- Liaison, ABA Task Force on Financial Markets Regulatory Reform, 2009-present
- Program Officer, Section of Antitrust Law, American Bar Association, 2007-2009
- Member, University of Virginia Law School Alumni Council, 2007-present
- Member, Association of Business Trial Lawyers
- Member, Board of Directors, Bay Area Legal Aid, 1999-present
- Co-Chair, Northern California Council of the Wildlife Conservation Society (formerly the New York Zoological Society), 2001-present

**MATTHEW B. LEHR****DAVIS POLK & WARDWELL LLP**

1600 El Camino Real  
Menlo Park, CA 94025  
Tel: 650 752 2000  
Fax: 650 752 2111  
Email: matthew.lehr@davispolk.com  
Web: www.davispolk.com

Mr. Lehr is a member of Davis Polk's Litigation Department, practicing in both the Menlo Park and New York offices. He heads our intellectual property litigation practice, focusing primarily on complex patent litigation matters. He has extensive experience in patent and technology cases involving such areas as biotechnology, medical devices, computer architecture, chemical products, pharmaceuticals, plasma physics, electrical devices, computer networking and software, and consumer products. Mr. Lehr has served as lead counsel in numerous bench and jury trials and has represented clients in complex cases involving trade secrets and commercial litigation, as well as Lanham Act and antitrust actions in courts across the United States. He has also appeared and argued before the United States Court of Appeals for the Federal Circuit.

**Memberships**

- Member, Federal Circuit Bar Association
- Member, American Intellectual Property Law Association

**Education**

- B.A., Loyola College, 1980
- M.A., Johns Hopkins University, 1982
- J.D., University of Pittsburgh, 1985

## GIRARDI | KEESE

## LAWYER PROFILE



When Girardi|Keese opened in 1969 it primarily handled personal injury cases. Over the years, as it expanded into areas such as product liability, more and more cases shifted from the simple negligence of others to conscious wrong-doing aimed at harming others either financially or physically. Whether Girardi|Keese filed a case against a utility company aware they had put a toxic chemical in a town's well water and not cleaned it up (the *Linn Brockovich* case), an energy company that purposely gouged customers (the *Sempra* case), a drug company hiding the fact that its new drug caused heart attacks (the *Vioxx* case) or an airline guilty of price fixing, the common thread was a decision by executives to put the company's bottom line over the safety and well-being of consumers. These companies knew they were doing the wrong thing, but did it anyway.

Government oversight agencies, run by members of the same industry they are supposed to regulate, have largely abdicated their protective role. At least twenty drugs have been approved and then withdrawn by the FDA. The SEC has looked the other way as small investors get ripped-off as a result of insider trading, and utterly failed to regulate the big players.

In this environment, the only protection the consumer has is trial lawyers. Girardi|Keese is committed to holding corporate wrong-doers responsible for their actions; legal responsibility by way of a jury trial is often the only thing corporate America fears. Girardi|Keese take great pride in accepting meritorious cases on a contingent fee basis that other firms are unwilling or unable to take on.

Girardi|Keese is a big advocate of jury trials. At a time when the vast majority of cases are settled out of court, Girardi|Keese believes that putting a case in front of twelve citizens is often the best way to see justice done. Virtually all of the firm's attorneys have trial experience and currently eleven of the lawyers are members of The American Board of Trial Advocates (ABOTA), which requires twenty jury trials with verdicts for membership.

Girardi|Keese puts great stock in personal relationships. Many of our attorneys began as clerks at the firm and several of our secretaries and assistants have been here for decades. Girardi|Keese believes that civility is fundamental to the successful practice of law, and views it as part of zealous advocacy.

For 40 years, Girardi|Keese has fought for the weak, the wronged and the vulnerable. If you need help, it stands ready to serve.

**Girardi | Keese**

1126 Wilshire Boulevard, Los Angeles, CA 90017

Tel: (213) 977-0211

Fax: (213) 481-1554

www.girardikeese.com

# MORRISON | FOERSTER

## California

425 Market Street  
San Francisco, CA 94105-2482

**Tel:** +1 415 268 7000

**Fax:** +1 415 268 7522

## New York

1290 Avenue of the Americas  
New York, NY 10104-0050

**Tel:** +1 212 468 8000

**Fax:** +1 212 468 7900

## Washington, D.C.

2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888

**Tel:** +1 202 887 1500

**Fax:** +1 202 887 0763

**Website:** [www.mofo.com](http://www.mofo.com)

**Litigation department chair:** Steven M. Kaufmann

## Litigation:

Working with Morrison & Foerster gives you access to the firm's more than 500 litigators, who are renowned for their ability to succeed in high-stakes, complex cases in Intellectual Property, Patent Litigation and Trade Secrets, Securities and White-Collar Defense, Financial Services Litigation, Products Liability, Class Action Defense, Antitrust, and Employment. Unlike most large law firms, Morrison & Foerster tries cases on a regular basis. Our lawyers try cases throughout the United States and take pride in the diverse trial teams that serve our clients. Our substantial appellate experience in state and federal courts includes some of the most experienced U.S. Supreme Court practitioners in the U.S. We have over 25 litigators in Japan, over half of whom are fluent in Japanese. Our London-based litigators provide full service international litigation and dispute resolution services, and our Brussels office has a distinguished track record in complex multi-jurisdictional antitrust litigation. Our clients span virtually every large industry and sector, including technology, life sciences, financial services, consumer products, retail, insurance, energy, communications and media, aviation, and transportation.

## Firm profile:

Morrison & Foerster is a global firm with over 1,000 lawyers across 16 offices in the U.S., Europe and Asia. Founded in 1883, the firm remains dedicated to providing its clients, which include some of the largest financial institutions, Fortune 100 companies, and technology and life science companies, with legendary service. Clients rely on the firm for innovative and business-minded solutions. Morrison & Foerster's attorneys share high standards, a commitment to excellence and a passion for helping their clients succeed. The firm's commitment to serving client needs has resulted in enduring relationships and a record of high achievement. They are also among the leaders in the profession for their longstanding commitment to pro bono work.

## Offices:

The firm also has domestic offices in Los Angeles, Palo Alto, San Diego, Sacramento, Walnut Creek, Denver, and Northern Virginia and international offices in London, Brussels, Beijing, Hong Kong, Shanghai, and Tokyo.

## DANIEL M PERRY



### MILBANK, TWEED, HADLEY & MCCLOY LLP

601 South Figueroa Street  
Los Angeles, CA 90017-5735

**Tel:** 213-892-4546

**Email:** [dperry@milbank.com](mailto:dperry@milbank.com)

**Website:** [www.mofo.com](http://www.mofo.com)

Daniel M Perry is a partner in the litigation department of Milbank, Tweed, Hadley & McCloy. Mr Perry's practice focuses on federal and state court litigation of complex commercial matters involving securities and corporate law, mergers and acquisitions, and financial restructuring. He has defended companies and individuals in class action and derivative litigation, often involving regulatory investigations by federal and state agencies.

Some of the notable civil litigation matters that Mr Perry has handled include the successful representation of: Cerberus Capital Management and its affiliates in defending claims brought by United Rentals seeking to compel Cerberus' affiliates to close a multi-billion dollar acquisition; NASCAR in defending claims brought by AT&T seeking to compel NASCAR to allow AT&T to replace the Cingular logo with the AT&T logo on the #31 car in NASCAR's Sprint Cup Series; Neuberger Berman Real Estate Income Fund, a closed-end fund regulated under the Investment Company Act of 1940, in connection with litigation arising out of an attempted hostile takeover of the fund; Station Casinos in defending purported class claims brought under the Trust Indenture Act by a dissident bondholder.

Mr Perry has also been active in representing corporate officers and directors, and institutions in connection with various regulatory and criminal investigations, including accounting fraud and other investigations relating to corporate financial statements, options backdating investigations, market timing and late trading of mutual funds, market manipulation arising out of various PIPE transactions, and financial transactions implicating US sanctions laws.

Mr Perry graduated from the University of Wisconsin-Madison in 1996 and received his law degree from Cornell Law School in 1999. Mr Perry is admitted to practice before the Bars of the States of New York and California.

**HENRY SU****HOWREY**

1950 University Avenue, 4th Floor  
East Palo Alto, CA 94303  
United States of America  
Tel: +1 650 798 3500  
Fax: +1 650.798.3600  
Email: SuH@howrey.com  
Web: www.howrey.com

Henry Su is a partner in the law firm of Howrey. His practice involves trial and appellate work, alternative dispute resolution and strategic counseling. He specializes in claims and disputes that involve intellectual property, antitrust and trade regulation issues. Based in California's Silicon Valley and San Francisco, he has represented many high technology and life science companies, both domestic and foreign, on litigated and investigative matters involving a wide range of technologies and products.

Mr. Su is a member of the bars of the State of California, the District of Columbia and the Commonwealth of Virginia, as well as a registered patent attorney with the United States Patent and Trademark Office. He is a graduate of the University of Virginia School of Law, where he was a recipient of the John M. Olin Prize in Law and Economics, and Yale College, where he earned a B.S. degree in Biology, *cum laude*.

Mr. Su is a Fellow of the American Bar Foundation and the Litigation Counsel of America. He has held leadership roles within a number of bar associations and community service organizations, including the American Bar Association, the National Asian Pacific American Bar Association, and the Federal Circuit Bar Association.

Mr. Su strongly supports public service and *pro bono publico* work. He serves as an early neutral evaluator and mediator for the Northern District of California's ADR program and as a member of the Criminal Justice Act appellate panel for the United States District Court for the Northern District of California and the United States Court of Appeals for the Fourth Circuit. He also serves as a member of the Pro Bono Panel for the United States District Court for the Eastern District of California. Pro bono cases he has handled include issues involving disability rights, veterans and criminal defense.