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BIOGRAPHICAL DATA

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Date of Birth: July 7, 1959

Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

J.D., Harvard Law School, 1982;
B.S., Northwestern University, 1979.

Admitted to practice law:

- United States Supreme Court;
- Federal, Second, Fifth, Seventh, and Ninth Circuits;
- Court of International Trade;
- Northern, Eastern, Central and Southern Districts of California;
- Southern District of Texas;
- Northern District of Indiana;
- District of Arizona;
- State of California.

LANGUAGES

English

November 4, 2008

PRESENT POSITION

Managing partner of the Silicon Valley Office of Weil, Gotshal & Manges LLP, specializing in intellectual property litigation and counseling;
Member of the Firm's Management Committee;
Also teaches a patent litigation course at the University of California, Berkeley's Boalt Hall School of Law, and has lectured on patent law at Stanford University and Santa Clara University.

MEMBERSHIP IN PROFESSIONAL BODIES

Organizations:

- ICC Commission on Intellectual and Industrial Property;
- American Intellectual Property Law Association (AIPLA);
- International Bar Association;
- United States Council for International Business;
- American Bar Association (ABA), Intellectual Property, International and Litigation Sections;
- Bay Area Inn of Court (Intellectual Property);

Committee and Professional Positions:

- Advisory Board, Institute for Transnational Arbitration;
 - Co-Editor in Chief, *Journal of Proprietary Rights*;
 - Editorial Board, *The Trademark Reporter*;
 - Editorial Board, *International Litigation Quarterly*;
 - Editorial Board, *Mealey's Litigation Reports: Intellectual Property*;
 - Executive Committee, Orientation in USA Law Program, University of California.
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AREAS OF SPECIALIZATION

Intellectual property litigation, antitrust/trade regulation, product liability, and counseling.

EXPERIENCE IN INTELLECTUAL PROPERTY

Seventeen years as an attorney concentrating on intellectual property litigation.

MAJOR PUBLICATIONS

An Editor-in-Chief of the *Intellectual Property & Technology Law Journal*, and has published extensively on various aspects of intellectual property law and litigation.

Is a frequent lecturer nationally and internationally on intellectual property litigation issues. also teaches a patent litigation course at the University of California, Berkeley's Boalt Hall School of Law, and has lectured on patent law at Stanford University and Santa Clara University. Serves on the firm's overall Management Committee.

"Intellectual Property Roundtable: Markets and Antitrust," *The Recorder* 15-57 (Autumn 1994);

"Patently Incomplete," *International Trade* 17 (Summer 1994);

"Border Crossings," *Intellectual Properties* 39 (Spring 1994);

"Analyzing Federal Circuit's Record on Injunctions," *National Law Journal* 38-40 (June 1, 1992);

"Looking Across Closest Borders," *Intellectual Properties* 30 (May 1992);

"International Intellectual Property Developments in 1991: A Year of Transformation and Evolution," 4 *Journal of Proprietary Rights* 7, (February 1992);

"Intellectual Property Laws Forge Benefits for United States Businesses," *San Francisco Business Times*, (November 15, 1991);

"Japanese Intellectual Property Law: Past, Present and Future," 7 *International Litigation Quarterly* 51, (September 1991);

"Intellectual Property Rights and Their Protection Under Japanese Law," 3 *Journal of Proprietary Rights* 8 (March 1991);

"The Future European Community Patent System: Its Operation and Effects on Foreign Participants," *International Intellectual Property Rights Information Exchange*, (Fall 1990);

Contributing Author, "Nonprice Predation under Section 2 of the Sherman Act", ABA Antitrust Section, Monograph No. 18, (1991);

"DOJ International Antitrust Guidelines: A Microcosm of Antitrust Analysis Evolution," 16 *Barrister* 47, (Fall 1989);

"Practical Primer: Hart-Scott-Rodino Premerger Notification Requirements," 14 *Barrister* 48, (Winter 1987).

EXPERIENCE IN COURT LITIGATION

Co-chair of the firm's 500-lawyer Litigation/Regulatory department. Specializes in trying patent and trade secret cases. Has litigated and tried cases all over the world involving a wide range of technologies, including semiconductor devices and manufacturing equipment and processes, DNA sequencing, medical devices and other biotechnologies, computer hardware and software, communications (network and telephony) and the Internet.

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Selected Intellectual Property:

Applied Materials, Inc. v. Novellus Systems - lead counsel for plaintiff in jury trial of patent infringement claims involving TEOS process technology. Obtained jury verdict for plaintiff on all issues, resulting in a settlement in which Novellus paid Applied \$80 million, plus substantial additional compensation;

Applied Materials, Inc. v. ASM International, N.V. – counsel for plaintiff in trial of patent infringement claims involving radiant heating technology used in semiconductor manufacturing equipment and processes. 32 USPQ2d 1865 (N.D. Cal. April 26, 1994) (finding three patents valid and infringed), aff'd 98 F.3d 1563 (Fed. Cir. 1996); 26 USPQ2d 1153 (N.D. Cal. 1993) (denying defendants' motion for summary judgment) (*case subsequently settled for over \$80 million*).

Biodex Corporation v. Loredan Biomedical, Ubc., et al. - obtained jury verdict of non-infringement and invalidity for defendants in patent infringement action involving biomedical technology. 946 F.2d 850 (Federal Circuit 1991) (affirming judgement for defendants, cert. denied, 112 S.Ct. 2957 (1992));

Baltimore Therapeutic Equipment Co. v. Loredan Biomedical, Inc. - lead trial counsel for defendant in trial of patent infringement action involving biomedical technology. 1993 WL 129781 (E.D. Cal. March 30, 1993) (judgement for defendants) aff'd, 30 USPQ2d 1672 (Fed.Cir. April 12, 1994); 1989 WL 85059 (D. Md. 1989) (transferring action);

Applied Materials, Inc. v. ASM International, N.V. - lead counsel for plaintiff in trial of patent infringement claims involving reduced pressure chemical vapor deposition reactors and processes used in the manufacture of semiconductor devices. USPQ2d (N.D. Cal 1995) (finding two patents valid and infringed); 30 USPQ2d 1967 (N.D. Cal. April 19, 1994) (dismissing defendants' inequitable conduct defense and counterclaim);

Applied Materials, Inc. v. ASM International, N.V. – lead counsel for plaintiff in trial of patent infringement claims involving reduced pressure chemical vapor deposition reactors and processes used in the manufacture of semiconductor devices. 1995 WL 848951 (N.D. Cal. 1995) (finding two patents valid and infringed), aff'd, ___F.3d___ (Fed. Cir. 1996); 30 USPQ2d 1967 (N.D. Cal. April 19, 1994) (dismissing defendants' inequitable conduct defense and counterclaim);

General Electric v. Nintendo – lead counsel for plaintiff on appeal in patent infringement action involving video technology. 179 F.3d 1350, 50 USPQ2d 1910 (Fed. Cir. 1999) (affirming in part and reversing in part);

Datapoint v. Cisco Systems – lead counsel for defendant in patent infringement action involving LAN technology. Summary judgment of non-infringement entered for defendant;

Lucent Technologies v. Cisco Systems –lead counsel for defendant in multijurisdictional patent infringement dispute with 22 patents involving network technology (settled);

Excel v. Cisco Systems – lead counsel for defendant in action involving network technology (settled);

Lucent v. Micron Technology – lead counsel for defendant in patent infringement action involving 25 patents relating to semiconductor and telecommunications technologies;

TechSearch v. Intel Corp. – lead counsel for defendant in patent infringement action involving microprocessor technology in which plaintiff sought damages of \$8.2 billion (summary judgment entered for Intel);

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Perkin-Elmer Applied Biosystems Division v. Amersham Pharmacia Biotech and Molecular Dynamics – lead counsel for PE-ABD in three patent infringement actions involving DNA sequencing technology. E.g., 48 USPQ2d 1540 (S.D.N.Y. 1998);

ASM America v. Applied Materials, Inc. - lead counsel for defendant in ongoing litigation of patent infringement claims involving semi-conductor manufacturing equipment and processes. 30 USPQ2d 1553 (D.Ariz. 1993) (granting defendant's motion to transfer venue); 1996 WL 263649 (N.D. Cal.) (granting defendants' motion for summary judgment of invalidity based on on-sale bar); 1996 WL 190809 (N.D. Cal.) (granting defendants' motion for summary judgment of invalidity based on best mode violation);

Applied Materials, Inc. v. Moore Epitaxial, Inc. - lead counsel for plaintiff in litigation of patent infringement and trade secret claims involving semiconductor manufacturing equipment and processes (settled);

Applied Materials v. Gemini Research Corporation - representation of plaintiff in litigation of patent infringement claims involving semiconductor manufacturing equipment and processes. 835 F.2d 279, Federal Circuit 1987 (reversing summary judgment for defendant) (settled);

Arbor Software v. Planning Sciences International plc - lead counsel for plaintiff in patent litigation involving multidimensional database software technology;

Perkin-Elmer Corporation v. Applied Materials, Inc. - representation of defendant in patent infringement action involving semiconductor manufacturing equipment (settled);

General Signal Corp. v. Applied Materials, Inc. - lead counsel for defendant in ongoing litigation of patent infringement claims involving cluster tool technology used in semiconductor manufacturing equipment and processes;

Elk Industries v. Matsushita Electric Company of America, et al. - lead counsel for defendants in patent infringement action involving voicemail technology (settled).

Quality Semiconductor, Inc. v. Pericom Semiconductor Corp. - lead counsel for defendant in patent infringement action involving MOS technology;

Loral Fairchild Corporation v. Oki Electric - lead counsel for defendant in ongoing patent infringement action involving CCD semiconductor technology. E.g., 840 F.Supp. 211 (EDNY 1994);

The Laitram Corporation v. Oki Electric Industry Co., Ltd., et al. - lead counsel for defendants in ongoing patent infringement action involving LED printer technology. E.g., 28 USPQ2d 1951 (E.D. La. 1993); 30 USPQ2d 1527 (E.D. La. 1994);

Hazani v. Oki Electric Industry Co., Ltd. - lead counsel for defendant in ongoing Section 337 case before the International Trade Commission and related District Court litigation involving DRAM technology (patent found invalid and not infringed on summary determination);

Oki America, Inc. v. Tsakanikas - lead counsel for plaintiff in declaratory judgment action involving allegations of infringement of patents relating to cellular and facsimile technology E.g., 1993 WL 515860 (N.D. Cal. Dec. 6, 1993) (denying defendant's motion to dismiss) (settled);

Electronic Speech Systems, Inc. v. Oki Electric Industry Co., Ltd., Hattori Seiko, et al. - lead counsel for defendants in patent infringement action involving digital voice synthesis technology (settled);

Wiener v. Oki Semiconductor Group - lead counsel for defendants in patent infringement

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action involving video ROM technology (settled);
Swan Magnetics v. Mitsumi Electric Co., Ltd. - lead counsel for defendant in trade action involving disk drive technology;
Honeywell, Inc. v. Chinon Industries, Inc., et al. - lead counsel for defendants in patent infringement action involving camera technology (settled);
QUALCOMM v. Tsakanikas Global Technologies - lead counsel of accused infringer of patent involving cellular technology (settled);
Medical Dynamics v. InnerDyne Medical - lead counsel for defendants in patent infringement action involving medical device technology (settled);
VeloBind v. D & P - representation of plaintiff in patent infringement action involving binding technology (settled);
Japan Halon Co., Ltd. v. Great Lakes Chemical Corporation - lead counsel for plaintiff in ongoing trade secret action involving chemical technology (settled);
Image Smith, Inc. v. Big Top Productions - lead counsel for plaintiff in trade secret action involving multimedia technology (settled);
Giovanola Freres, SA v. Bolliger & Mabillard Ingenieurs Conseils, SA - lead counsel for plaintiff in patent infringement action involving roller coaster technology (settled);
IMAX Corporation v. Cinema Technologies, Inc. - lead counsel for plaintiff in trade secret action involving large format motion picture projection technology;
IMAX Corporation v. World Odyssey - lead counsel for plaintiff in trade secret action involving large format motion picture technology;
Refac International v. MasterCard International - lead counsel for defendant in patent infringement action involving credit verification system, 758 F.Supp. 152 (SDNY 1991) (entering summary judgment for defendant);
E. & J. Gallo Winery v. Consorzio del Gallo Nero - obtained summary judgment and an award of attorneys' fees for plaintiff in action for trademark infringement and dilution, 782 F.Supp. 457, 20 USPQ2d 1579 (N.D. Cal. 1991); 782 F. Supp. 472, 22 USPQ2d 1227 (N.D. Cal. 1992);
Bibbero Systems, Inc. v. Colwell Systems, Inc. - obtained summary judgment for defendant in copyright infringement action. 731 F.Supp. 403 (N.D. Cal. 1988) aff'd, 893 F.2d 1104 (9th Cir. 1990);
Waste Distillation Technology, Inc. v. Pan American Resources - lead counsel for defendants in trade secret and patent infringement litigation involving waste-to-energy technology. 1990 WL 127544 (SDNY 1990) (dismissing action);
Balfour Manufacturing v. PM Ag Products - lead counsel for defendant in patent infringement and false advertising action involving chemical patents (settled).

Antitrust/Trade Regulation:

Spezial Electronic Wuttke KG v. Intersil, Inc., The General Electric Company, et al. - lead counsel for defendants in ongoing litigation in Germany and the United States by a terminated West German distributor of integrated circuits (settled);
Canrig v. Petroleos Mexicanos - obtained judgment for plaintiff in trial involving oil drilling equipment and services;
C. Pappas Company v. E. & J. Gallo Winery - representation of defendant in a distributor termination action. 801 F.2d 399 (9th Cir. 1986) (affirming summary judgment for

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defendant);

Rutman Wine Company v. E. & J. Gallo Winery - representation of defendant in a distributor termination action involving Sherman Act and Robinson-Patman Act claims. 829 F.2d 729 (9th Cir. 1987) (affirming summary judgment for defendant);

Valotek v. General Electric - lead counsel for defendant in action involving specialty plastics technology (settled);

Premier Wine & Spirits v. E. & J. Gallo Winery - representation of defendant in a distributor termination action. 846 F.2d (9th Circuit 1988) (affirming summary judgment for defendant);

Product Liability:

Iran Airbus Litigation - national lead counsel for General Electric in several product liability actions arising from the downing of Iran Air Flight No. 655 by the U.S.S. Vincennes in the Persian Gulf. All actions dismissed on constitutional grounds and under the State secrets doctrine *E.g.*, Bailey v. Varian Associates, Inc., et al., 976 F.2d 1328 (9th Cir. 1992) (affirming dismissal), *cert. denied*, 1993 US Lexis 3900 (June 7, 1993); Nejad v. United States, 724 F.Supp. 753 (C.D. Cal. 1989) (dismissing action);

U.S.S. Stark Litigation - national lead counsel for General Electric in several product liability actions arising from the attack on the U.S.S. Stark by an Iraqi fighter in the Persian Gulf. All actions dismissed on constitutional grounds and under the State secrets doctrine. *E.g.*, Zuckerbraun v. General Dynamics, et al. 755 F. Supp. 1134 (D. Conn. 1990), *aff'd*, 935 F.2d 544 (2d Cir. 1991); Bareford v. General Dynamics, et al., 973 F.2d 1138 (5th Cir. 1992) (affirming judgment dismissing action under State Secrets Doctrine), *cert. denied*, 113 S.Ct. 1843 (1993);

Simpson Paper Company v. General Electric - lead counsel for General Electric in product liability action involving cogeneration equipment (settled);

P-R Farms v. General Electric - lead counsel for General Electric in product liability action involving electric power supply products (settled).

PROFESSIONAL TRAINING IN MEDIATION AND ARBITRATION

Course work at Harvard Law School;

Extensive participation in mediation and arbitration as attorney.

PROFESSIONAL EXPERIENCE IN MEDIATION

Participation in several mediations of high technology disputes involving intellectual property, antitrust and licensing issues.

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PROFESSIONAL EXPERIENCE IN ARBITRATION

Participation in several arbitrations of high technology disputes involving intellectual property and licensing issues.
