

Science & Technology

From new drugs to new media, science and technology play increasingly important roles on the national and global stage. Advancement in science and technology can challenge existing laws and legal institutions, presenting novel issues for companies in this sector. Our attorneys draw upon technical, scientific and executive experience in biosciences, engineering and technology to address the legal needs of companies in this sector, which involve intellectual property, health, Internet, gaming and many other aspects of the law.

Representative Matters

- Represented Double Helix Optics, a precision 3D nano-scale imaging start-up out of Boulder, Colorado, in its Series A financing and corporate reorganization.
- Represented Jemez Technology, LLC, a high resolution security and imagery technology company, in the sale of all its capital stock to ReignRock Capital Partners, LLC.
- Nevada counsel to Deltatre in its acquisition by merger of Massive Interactive, Inc. and related financing transaction.
- Nevada corporate counsel to General Dynamics on various complex corporate law issues surrounding its \$9.7 billion tender offer and follow-on acquisition of CSRA, a leading government-related technology business.
- Represented NRT Technologies, Inc., a subsidiary of NRT Technology Corp., in its acquisition of gaming ATM assets of U.S. Bank National Association.
- Represented NRT Technology Corp. in a syndicated term loan and revolving credit facility from four participant banks, with Fifth Third Bank as administrative agent.
- Played a critical role in obtaining dismissal of claims arising from public company's merger disclosures without making any additional disclosures or paying a settlement to plaintiffs. This litigation outcome sets a benchmark for other merger "strike suits" and will help ensure that this client and future public companies are not liable to future nuisance suits.
- Counsel to the leading provider of television advertising inventory in a dispute over the execution of media plans in parallel proceedings in New York and Los Angeles state courts.
- Coordinated internal California based privileged investigation of tech-company in connection with alleged officer misconduct.
- Serve as chief employment counsel for California based company with employee related issues from around the country, including but not limited to guidance on terminations, privacy actions, misconduct investigations, and policy development.
- Represented NRT Technology Corp. in a revolving credit facility from Fifth Third Bank.
- Represents one of the largest recreation software developers on federal and state engagement with the administration and Congress to increase recreation participation on public lands.
- Represented NexusTek Holdings, LLC, a portfolio company of Lightview Capital, and its wholly-owned subsidiary Nexus Technologies, LLC, in the acquisition of all of the equity of CyberTrails, LLC and for the related acquisition financing.
- Represented Pico Digital, Inc. in its sale to ATX Networks, a portfolio company of H.I.G. Capital, LLC.
- Defended satellite imagery public company in million dollar breach of contract dispute with former consultant. Resolved on highly favorable terms to client.
- Successfully defended labor organization against a former member in a federal action alleging multiple discrimination claims and, simultaneously, in a proceeding in front of the Nevada Local Government Employee-Management Relations Board ("EMRB"). We prevailed in the EMRB Proceeding after participating in an administrative hearing and in the federal action by obtaining summary judgment. The labor

organization was awarded attorneys' fees in the federal proceeding as a prevailing defendant in a civil rights action.

- Represented Unwired Planet in multi-patent case against Google involving mobile device location and communication protocols.
- Internal investigation for public company of alleged wrongdoing reported in whistleblower complaint. Resolved inquiry under budget and within two weeks of engagement.
- Represented telecommunication and social networking companies in multi-patent case involving voice over internet protocols.
- Represented NexusTek Holdings, LLC in its acquisition of all of the membership interests of iPremise, LLC.
- Successfully enjoined improper award of \$26.5 million enterprise class network equipment contract due to violation of public procurement laws, and ultimately resulted in client receiving contract from public body.
- Advised technology company regarding antitrust and related strategic acquisition issues.
- Represented Subsea Global Solutions, a portfolio company of Lariat Partners, in the acquisition of substantially all of the assets of Sea Sub Systems, Inc. in Tampa, FL.
- Primary outside intellectual property counsel for a national software company that provides automated solutions for addressable advertising and digital advertising, builds repositories of advertising data, and creates aggregated unwired advertising networks for the cable and broadcast industry.
- Represented a Fortune 50 company to protect and grow its consumer goods-related intellectual property across a broad range of technologies, including sensors, input mechanisms, imaging, mechanical structures, manufacturing processes and more, spanning thousands of assets worldwide.
- Represented the leader in automated digital ad insertion for cable industry in a software trade secrets case in the Southern District of New York through a multi-week preliminary injunction proceeding resulting in a complete cessation of the competitor's business.
- Represented a Fortune 250 company for patent protection related to networking, data transmission, content delivery and related hardware. Prepared opinions of counsel for noninfringement, invalidity and freedom to operate.
- Represented National Meter and Automation, Inc., in its sale to Badger Meter, a leading marketer and manufacturer of products using flow measurement and control technologies.
- Serve as intellectual property counsel to Yardi Systems, Inc., a real estate software and professional services company, in connection with its domestic and foreign brand management and enforcement, and copyright protection and enforcement efforts.
- Represented a public company in a commercial dispute concerning a data licensing agreement.
- Counsel to DigitalGlobe in its acquisition of Spatial Energy, a leading source for digital imagery and related services to the energy industry.
- Lead counsel for software provider in a significant multi-state, multi-patent infringement litigation. Case settled favorably after Markman hearing and USPTO Reexaminations initiated.
- Brownstein advocated on behalf of DISH Network Corporation (DISH) for the Federal Communications Commission (FCC) to remove outdated regulations and grant terrestrial flexibility for most of the AWS-4 band. The FCC's actions directly facilitated wireless competition and innovation.
- Represent the Electronic Payments Coalition, a coalition of electronic services companies concerned about regulation of the electronic payments market.
- Spearheaded an effort for a trade association to ensure that a costly and unnecessary mandate was not included in legislation headed for the President's desk.
- Co-lead counsel for large telecommunications company in software patent dispute with competitor in E.D.Tex.
- Represented Cross MediaWorks, Inc., a portfolio company of Clarion Capital Partners, in its sale to Lee

Equity Partners, LLC.

- Represented Bunker Mode, Inc., a San Francisco-based mobile application company, in a master restructuring and equity financing.
- Counsel to Mobile Accord in a Series C preferred stock financing.
- Represented DigitalGlobe, Inc., the leader in remote sensing and geospatial industries, in its acquisition of Tomnod, a company that analyzes imagery through crowdsourcing software. Tomnod relocated their corporate headquarters to Longmont, CO.
- Represents client on international tax reform.
- Successfully represented international software company in enforcing its proprietary information agreement, including non-competes, both through formal court order and informal negotiations.
- Represented BroadHop, Inc. in a Series A-1 preferred stock financing from its existing venture capital investors and founders.
- Successfully represented employers in EEOC, CCRD or other agency investigations and, if necessary, in litigation, including trying to a favorable decision a multi-week multi-plaintiff multi-million dollar case alleging discrimination and retaliation.
- Leveraged dividend recapitalization of Cross MediaWorks' existing senior and subordinated indebtedness.
- Successfully defended computer software client at trial obtaining defense verdict on all claims and obtaining verdict for client on counterclaims.
- Served as lead counsel to Defiant Technologies in claims that Defiant undertook to unlawfully obtain licensing of certain intellectual property technology from Sandia National Laboratory, thereby depriving the Plaintiff of the ability to continue its economic development of similar technology. After obtaining complete summary judgment on all of Plaintiff's claims against Defiant, we tried a claim of malicious abuse of process against the original Plaintiff to a jury in Federal Court in Santa Fe asserting that Plaintiff brought suit against Defiant to wrongfully prevent Defiant from gaining a competitive advantage in the market. As a result of the trial, we obtained judgment against the Plaintiff for \$2 million.
- Advocated against AT&T's proposed \$39 billion takeover of T-Mobile for an informal coalition of companies seeking to preserve a competitive mobile wireless marketplace, resulting in AT&T's abandonment of the planned acquisition in December 2011.
- Served as the independent examiner charged with reviewing a component of an agreement between the State Attorneys General and a prominent Internet social networking company.
- Brownstein successfully advocated against AT&T's proposed \$39 billion takeover of T-Mobile for an informal coalition of companies seeking to preserve a competitive mobile wireless marketplace.
- Advocated against AT&T's proposed \$39 billion takeover of T-Mobile for an informal coalition of companies seeking to preserve a competitive mobile wireless marketplace, resulting in AT&T's abandonment of the planned acquisition in December 2011.
- Brownstein successfully guided major public policy efforts for Comcast Corporation, including advocating in favor of its acquisition of NBCUniversal, which was approved by both the Federal Communications Commission and the Department of Justice after significant Congressional oversight.
- Represented TeleTech Europe B.V. in the prosecution of a complex claim against an Indian company for improper release of funds from escrow. Brownstein successfully appealed the order. The case has since been remanded to the New York Supreme Court where it is pending.
- Defended a telecom reseller against claims for theft of trade secrets.
- Served as Nevada counsel to FriendFinder Networks Inc., a Nevada corporation, in connection with its initial public offering. Brownstein assisted this Internet-based social networking and technology company in its IPO of five million shares of common stock with an aggregate initial public offering price of \$50 million.
- Provided Nevada legal opinion to EchoStar Corporation in its \$1B senior secured notes. The net proceeds

of the offering were used to fund a portion of the purchase price for EchoStar's previously announced acquisition of Hughes Communications, Inc.

- Served as Nevada counsel to IBM in its acquisition of TRIRIGA Inc., a leader in environmental sustainability software.
- Filed an amicus brief on behalf of Intellectual Ventures Management and individual inventors in the U.S. Supreme Court in the Microsoft Corporation v. i4i Limited Partnership patent case. At issue was the appropriate standard of proof in a patent validity challenge. In the brief, amici argued that the statutory presumption of patent validity and long-standing precedent support the application of the existing "clear and convincing" standard. Further, given the importance of innovation and investment to the U.S. economy, a change in the standard would disturb the careful balance Congress has created and diminish the value of patents. Brownstein attorneys worked with co-counsel at Susman Godfrey on the preparation of the brief. On June 9, 2011, the Supreme Court upheld the application of the "clear and convincing" standard in an 8-0 decision.
- Spearheaded a successful negotiation involving a telecommunications company and two federal agencies resulting in a favorable outcome for the client, thereby preserving its business model.
- Represented Cross MediaWorks, a multi-platform media firm that manages media on a targeted and measured basis, including the historical management of television media for one of the nation's largest charities, Feed The Children. Brownstein successfully pursued to a monetary settlement in a breach of contract action against Feed The Children which arose in connection with an upheaval in senior management at the charity. In addition to achieving a settlement, the business relationship was preserved.
- Represented BroadHop, Inc. in a transaction securing venture capital to provide additional Series A Financing.
- Represented a telecommunications company in the successful settlement of its partnership claim in excess of \$30 million.
- Representation of a national IT company in response to a request for proposals from Nevada State Purchasing.
- Represented Verecloud, Inc., a communications service provider, in its tri-party recapitalization.
- Represented the officers and directors of Teletech Holdings Inc. in the \$11 million settlement of a class action securities fraud case in the Southern District of New York and a shareholder derivative case in Delaware involving allegations of options backdating.
- Served as company bond counsel to Intel Corporation in connection with a \$100 million taxable C1 and C2 bond issuance 2004.
- Served as counsel to Strategic Analytics Inc., a global software and services company in the retail lending industry, in connection with the sale of all of the outstanding stock of the company.
- Represent a software research and development company with significant patent litigation issues including breach of license agreement and counter claims of non-infringement.
- Serves as employment counsel for various national companies in industries ranging from health care, energy and engineering/construction to manufacturing, retail and telecommunications. Brownstein provides both pro-active counsel and litigation services for these companies.
- In the American Recovery and Reinvestment Act of 2009, successfully worked with policymakers to make it possible for the satellite industry to compete for stimulus funding for broadband infrastructure.
- Represented CyberArts Licensing, LLC, an interactive gaming platform provider located in San Francisco, in connection with the sale of 35 percent of its membership interests to Intralot Interactive.
- Represented BroadHop, a computer hardware and software company based in Denver, in obtaining venture capital financing from Boulder Ventures and Peninsula Ventures.
- Represented a media company in the refinancing of its junior-level debt and in the sale of related equity.

- Represented a real estate management software and services company for all company and stock asset acquisitions.
- Successfully defended claims for hostile work environment, discrimination, retaliation and state law claims brought against EchoStar Communications Corporation, a publicly-traded company in Colorado. The plaintiff, a former employee, alleged that the highest level executives engaged in unlawful behavior and engaged multiple plaintiffs' firms. After a two week trial, the jury returned a complete defense verdict.
- Coordinated land use and zoning issues involving a large commercial office site and subsequently negotiated the sale and leaseback to a commercial developer.
- Represented a media company in its simultaneous \$98 million asset and stock acquisitions of two media companies. The transaction included installation of a senior credit facility and a subordinated loan.
- Represented an electronics distributor in its \$66 million asset sale to Arrow Electronics, Inc.
- Represented Meteorcomm LLC, a global, wireless telecommunications company providing data communications solutions and services, in general corporate and intellectual property licensing transactions.
- Brownstein served as lead counsel for Qwest Communications in Bell Atlantic v. Twombly, a consumer class action antitrust case.
- Represented an electronics distributor in a financing deal involving \$74 million in combined financing, acquisition and debt vehicles.
- Won a trial affirming the award of a contract for child support enforcement services for Policy Studies.
- Defended Policy Studies, Inc. in an ERISA-related lawsuit involving a participant and his spouse seeking payment of various benefits from a self-funded ERISA group health plan and clarification of right to future benefits. The suit also involved allegations that defendants breached their fiduciary duty, failed to timely provide requested documents, and acted in a retaliatory and discriminatory manner. A bench ruling found in favor of the defendants in all claims.
- At the FCC, worked successfully to overturn a bureau level decision eliminating a client's satellite license authorization and obtain a favorable decision from the Commission reinstating the license.
- On behalf of a telecom coalition, served as campaign counsel and ensured campaign finance compliance regarding a highly contested local municipal ballot measure.
- Client operates an innovative composting operation providing critical composting services for municipal and agricultural green waste and works in collaboration with university research scientists to investigate the potential for carbon sequestration and soil restoration. Brownstein successfully represented the client following the County taking the position that the client's operations should be covered by a conditional use permit (CUP) and needed environmental review under the California Environmental Quality Act (CEQA), opening their operations up to litigation risk as well as considerable expense. Brownstein successfully documented the right to operate by right, without a CUP, via a detailed accounting of County Code, and relevant exemptions. County withdrew its demand for a CUP application and CEQA review.
- Brownstein advocated on behalf of DISH Network Corporation (DISH) for the Federal Communications Commission (FCC) to remove outdated regulations and grant terrestrial flexibility for most of the AWS-4 band. The FCC's actions directly facilitated wireless competition and innovation.
- On behalf of Verizon and Comcast, successfully helped guide efforts to secure approval of spectrum transaction by both the Federal Communications Commission and the Department of Justice after significant congressional oversight.

Meet The Team

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