

## USA

2007

The Client's Guide

KEKER &amp; VAN NEST LLP

## Keker & Van Nest LLP is ranked in Chambers USA 2007 as follows:

### NATIONAL

#### INTELLECTUAL PROPERTY

##### Intellectual Property

##### Leading Firms

##### Band 2

Keker & Van Nest LLP

#### Keker & Van Nest LLP

**The Firm:** Competitors described the lawyers that make up Keker & Van Nest's IP team as "some of the

most feared in the courtroom." It manages to achieve an "unparalleled level of cooperation with the client" and sustain an "unrivaled work ethic," all of which clients find deeply appealing. The firm's dedicated IP litigators have contributed much to the firm's profile by dealing with top clients on patent, trade secrets and copyright cases. Market sources stated that the combination of an "excellent reputation" and "unwavering efforts to operate cost effectively" guarantee it a position in the upper echelons of America's top IP

practices. According to interviewees, John Keker can "roll up his sleeves and tackle any case that comes his way." "Terrifically talented," he is regarded as one of the best trial lawyers in the field, not least due to his "fearless and creative" style. Market sources also singled out Michael Page for his "highly innovative approach," and his "incisive mind gives him an edge," particularly where copyright and trademark infringement cases are concerned.

### CALIFORNIA

#### INTELLECTUAL PROPERTY

##### Intellectual Property

##### Leading Firms

##### Band 1

Keker & Van Nest LLP San Francisco

#### Keker & Van Nest LLP

**The Firm:** Considered "a forward-looking and innovative" IP team, its work includes patent, trade

secrets and copyright matters for a sophisticated clientele, both plaintiffs and defendants. According to competitors, seeing the team on the opposite side implies "a tough encounter, where wits and integrity will be key." The team successfully advised several high-profile clients – defending Intel against an individual claiming to be the true inventor of patents related to flexures for aligning fiber optic cable. It also represented Broadcom in patent exclu-

sion proceedings brought in the ITC, as well as in parallel litigation in the district court against Qualcomm, a competing maker of cell phone chips. The group is also known for the fine job it has done on behalf of BlueArc against allegations of infringement by Network Appliance.

**The Lawyers:** "Mover and shaker" John Keker is "the guy you call when things get hot," according to observers. Clients feel that he is "a paramount trial

<b>Intellectual Property: Patent</b>
<b>Leading Individuals</b>
<b>Band 1</b>
Keker John Keker & Van Nest LLP
<b>Band 2</b>
Van Nest Robert Keker & Van Nest LLP
<b>Band 3</b>
Durie Daralyn Keker & Van Nest LLP
<b>Band 4</b>
Chanin Jeffrey Keker & Van Nest LLP
Streeter Jon Keker & Van Nest LLP
<b>Up-and-coming individuals</b>
Tangri Ragesh Keker & Van Nest LLP

<b>Intellectual Property: Trademark, Copyright &amp; Trade Secrets</b>
<b>Leading Individuals</b>
<b>Band 1</b>
Page Michael Keker & Van Nest LLP

lawyer, who can try anything and win, and needs no introduction.” Hot on his heels is **Robert Van Nest** with his “strong analytical skills and clear advocacy style.” Interviewees praise his ability to inspire colleagues, both in court and during a mediation. “No-nonsense” type of lawyer **Daralyn Durie** is considered a key competitor by the opposition. Not only is she “practical and technically savvy” but also “wonderful to work with, level-headed and exceptionally bright.” Clients respect **Michael Page** enormously for constantly showing his strength on significant trademark and copyright cases, while **Jeffrey Chanin** scores highly for his ability to deal with impressive trade secrets and patent misappropriation infringement cases. IP litigator **Jon Streeter** received plaudits from peers for his “attention to detail” whereas **Ragesh Tangri** is said to be “measured and tough at the same time.”

**Clients/Work Highlights:** Intel; Comcast Cable Communications; Metabolite Laboratories; Broadcom; BlueArc; Google; Taiwan Semiconductor Manufacturing Company; McKesson; LSI Logic;

National Semiconductor; Nuance Communications; Ciphergen Biosystems and Cadence Design Systems.

## LITIGATION

<b>Litigation: General Commercial</b>
<b>Leading Firms</b>
<b>Band 1</b>
Keker & Van Nest LLP San Francisco

<b>Litigation: General Commercial</b>
<b>Leading Individuals</b>
<b>Band 1</b>
Keker John Keker & Van Nest LLP
<b>Band 4</b>
Van Nest Robert Keker & Van Nest LLP

### Keker & Van Nest LLP

**The Firm:** A smaller outfit that loses nothing to the big firms in terms of quality, this litigation boutique is held in high esteem. High-stakes litigation is the team’s forte, including a significant amount of malpractice defense. Team members cover class action defense, antitrust, IP and general civil litigation for Fortune 500 companies. A particular highlight saw the group acting for a tenant in a commercial lease dispute; the successful jury verdict was for more than \$40 million, against GMAC Commercial Mortgage. Other successes include acting for Corus Pharma in litigation

against Chiron over alleged trade secrets surrounding a new cystic fibrosis drug.

**The Lawyers:** “If you want a trial lawyer you would go to **John Keker** even if your case is out of state,” said commentators of this highly respected lawyer. Partner **Robert Van Nest** divides his time between patent litigation, antitrust, legal malpractice and white-collar matters.

**Clients/Work Highlights:** Clients include Google, Honda Financial Services and Electronic Arts, as well as major law firms.

## LITIGATION

<b>Litigation: White-Collar Crime &amp; Government Investigations</b>
<b>Leading Firms</b>
<b>Band 1</b>
Keker & Van Nest LLP San Francisco

<b>Leading Individuals</b>
<b>Star Individuals</b>
Keker John Keker & Van Nest LLP
<b>Band 2</b>
Little Jan Keker & Van Nest LLP
Peters Elliot Keker & Van Nest LLP
<b>Band 3</b>
Van Nest Robert Keker & Van Nest LLP

### Keker & Van Nest LLP

**The Firm:** This San Francisco boutique handles the best and most interesting cases at the cutting edge of commercial litigation. Wherever stakes and sensibilities are at their highest, “you can bet a Keker attorney is around the corner,” agree colleagues. The team defends individuals and corporate clients in investigations throughout the USA, with high-profile representations including the defense of Credit Suisse’s Frank Quattrone and former Enron CFO Andrew Fastow. The workload recently included defending clients such as Electronic Arts against government investigations into the backdating of employee stock options.

**The Lawyers:** For many respondents, **John Keker** is “the definitive trial lawyer for high-octane cases.”

Equally at home in criminal and civil matters, he is a versatile and compelling performer who “has criminal defense in his blood.” **Jan Little** has a statewide reputation for positive resolutions. She combines an impeccably calm demeanor with an aggressive dedication to her client, and is especially sought after for stock options cases. **Elliot Peters** is “impressive in every respect,” and his faultless handling of clients and government agents impresses observers. **Robert Van Nest** is a civil litigator with a growing reputation in white-collar defense. He specializes in IP and antitrust litigation and also carries out legal malpractice work.

## WHITE-COLLAR CRIME

## Leaders

### CHANIN, Jeffrey R

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*Recommended in Intellectual Property*

**Practice Areas:** Jeff Chanin's practice spans the range of complex intellectual property, commercial litigation and white-collar criminal defense, with a specialization in trade secret misappropriation. Jeff also represents companies and individuals in copyright and patent infringement cases, and in civil and criminal False Claims Act, Foreign Corrupt Practices Act, and other government investigations and prosecutions.

**Prof. Memberships:** Fellow of the American Bar Foundation; Member of the San Francisco Bay Area Intellectual Property Inns of Court; former Chair of the ABA Subcommittee on Uniform Trade Secrets Act/Federal Protection for Trade Secrets.

**Career:** Recognized by Best Lawyers in America and by San Francisco Magazine Super Lawyers in intellectual property litigation. Notable trade secret, patent, and copyright cases include *Taiwan Semiconductor Manufacturing v Shanghai Manufacturing Int'l* (ND, Cal, Cal. ITC); *Netflix, Inc. v Blockbuster Inc.* (ND, Cal.); *Microsoft v Google* (Wash.); *Nuance Communications v Yahoo!* (Cal); *LSI Logic v Broadcom* (Colo.); *Cadence Design Systems v Avant!*, 125 F.3d 824 (9th Cir. 1997) (The American Lawyer, Jan./Feb. 1998 and Nov. 1999); *Target Therapeutics v Cordis Endovascular Systems* 113 F.3d 1256 (Fed. Cir., 1997); *Ventritex v Intermedics*, 822 F.Supp. 634 (N.D. Cal. 1993) (listed in 5 National Law Journal, No. 28, March, 1993, Top Ten defense verdicts); *Informix v Oracle Corp.* (Or.). Other notable cases include *Jordache Enterprises v Brobeck, Phleger & Harrison* (legal malpractice) 18 Cal. 4th 739 (Cal. 1998); *Tolhurst v Johnson & Johnson* (product liability) (5 Mealey's Emerging Toxic Torts, No. 17 (Dec. 1996)); *United States v Hilger* (admiralty, manslaughter) 867 F.2d 566 (9th Cir. 1989). Partner, Keker & Van Nest 1985 - present. Law clerk to the Honorable Richard Posner, US Court of Appeals for the Seventh Circuit (1981-82), Law Clerk to the Honorable Patrick Higginbotham, US District Court Judge for the Northern District of Texas, (1980-81). Director, Rhode Island Bail Project (Rhode Island Governor's Justice Commission, US Law Enforcement Assistance Administration (1976-77)).

**Publications:** *Judicial Practices and Decision-Making in Pretrial Release: A Study of Bail Administration in Rhode Island, Rhode Island Governor's Justice Com-*

mission, 1977.

**Personal:** JD, University of Chicago, cum laude, Order of the Coif (1980); AB, Brown University, magna cum laude (1976).

### DURIE, Daralyn J

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*Recommended in Intellectual Property*

**Practice Areas:** Daralyn Durie tries cases in both the state and federal courts in a wide range of areas including patent, trade secret, and unfair competition. Representative clients include Comcast Cable Communications, Inc., Impax Laboratories, Inc., and Google, Inc.

**Prof. Memberships:** Co-Chair of the lawyer representatives to the Ninth Circuit Judicial Conference, Program Co-Chair and Member of the Board of Governors of the Association of Business Trial Lawyers, Member of the Lawyers' Committee for Civil Rights.

**Career:** Law clerk to the Honorable Douglas Ginsberg of the United States Court of Appeals for the District of Columbia Circuit (1992-93). Joined Keker & Van Nest, 1993; became Partner, 1999.

**Personal:** Boalt Hall School of Law, University of California (JD 1992); University of California at Berkeley (MA 1989); Stanford University (BA, 1988).

### KEKER, John

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*Recommended in Intellectual Property, Litigation*

**Practice Areas:** John W Keker is recognized as one of the top trial lawyers in the United States. His trials have included criminal defense, patents, contracts, securities fraud, copyright and business torts. His cases include: in 2005 representing Google against Microsoft in a high profile trade secret case; serving as trial Counsel in *US v Frank Quattrone* in 2003 (hung jury) and in 2004 (conviction reversed by 2nd Circuit, 2006, reassigned to different trial judge then dismissed); in 2002 winning a jury trial for Genentech in a \$300 million patent dispute with Chiron; in 2001, representing Cadence Design Systems, Inc., winning \$195 million from Avant! in restitution for trade secret theft. Other notable cases: chief prosecutor, *United States v Oliver North*, 1989, Iran/Contra Independent Counsel's Office, Washington, DC; defense counsel in *United States v Patrick Hallinan*, (D. Nv. 1995); defense Counsel in *Ventritex v Intermedics*, listed by the National Law Journal as one of the top ten defense ver-

dicts of 1992; plaintiff's Counsel in *Maglica v Maglica*, listed in the National Law Journal as one of the top 10 plaintiff's verdicts of 1994, and plaintiff's counsel (with Robert Van Nest) in *Xilinx v Altera*, (N.D. Cal.) one of the most significant patent trials of 2000. In 2006, the National Law Journal recognized Mr Keker as one of the 100 most influential lawyers in the United States. In 2003, the San Francisco Chronicle named him the best lawyer in the Bay Area. That same year, American Lawyer called him 'a giant of the IP trial bar'. In 2001, California Lawyer identified him as most named by other lawyers as the person they would hire if trouble strikes. Each year since 1998, he was named one of California's most influential attorneys by the Los Angeles Daily Journal. He has been listed in every edition of Chambers USA and Best Lawyers In America in two categories, Criminal Defense and Business Litigation, and in Super Lawyers Magazine in intellectual property litigation. He was inducted into the California State Bar's Litigation Hall of Fame in 2002 and received the Significant Contribution to Criminal Justice Award in 1996 from the California Attorneys for Criminal Justice. **Prof. Memberships:** Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, the American Board of Trial Advocates, and the American Bar Foundation.

**Career:** Former law clerk to the Honorable Earl Warren, retired chief justice of the United States (1970-71); staff attorney at the Natural Resources Defense Council, Washington, DC; Assistant Federal Public Defender for the Northern District of California (1971-73); founded Keker & Van Nest in 1978.

**Publications:** Co-author of *Effective Direct and Cross Examination*, California Continuing Education of the Bar, 1986. **Personal:** Yale Law School (JD 1970); infantry platoon leader in Vietnam while a lieutenant in the United States Marine Corps (wounded and retired in 1967); Princeton University (BA, 1965).

### LITTLE, Jan Nielsen

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jlittle@kvn.com

*Recommended in Litigation*

**Practice Areas:** Jan Little has a wide-ranging criminal defense practice, representing corporations and individuals in investigations and trials involving business crimes including securities fraud, healthcare fraud, tax fraud, obstruction of justice/perjury, antitrust, intellectual property crimes, and foreign corrupt practices. She also represents corpora-

tions and individuals in complex civil litigation in state and federal courts, and in SEC enforcement matters. Her corporate clients have included Google, Electronic Arts, McKesson, Safeway, and Johnson & Johnson, and she has represented executives from numerous public and private companies.

**Prof. Memberships:** Former Co-Chair of the American Bar Association Litigation Section Complex Crimes Committee and the American Bar Association Northern California White Collar Crime Committee; currently active in several federal court committees; serves as a trustee and officer of a nonprofit independent school; selected as one of California's Top 75 Women Litigators in 2005 and 2006 by the Los Angeles Daily Journal and in 2006 as one of California's Top 100 Lawyers by the Los Angeles Daily Journal.

**Career:** Law clerk to the Honorable William W Schwarzer in the Northern District of California (1981-82); trial attorney in the Public Integrity Section of the United States Department of Justice Criminal Division (1982-86); joined Keker & Van Nest in 1986; Partner since 1988.

**Publications:** 'What You Don't Know Can Hurt You: Deliberate Ignorance Under the Foreign Corrupt Practices Act' (with Ajay Kundra) ABA White Collar Crime Conference Materials (January 2007); 'Parallel Proceedings: The Uncomfortable Intersection of Criminal and Civil Litigation' (with Katherine Florey) Association of Business Trial Lawyers Annual Conference Materials (October 2006); *Obstruction Seduction: The Increasingly Long Arm of the Federal Obstruction Statutes*' (with Steven Ragland) National Association of Criminal Defense Lawyers White Collar Crime Conference Materials (September 2006); 'Recent Developments in Criminal Enforcement of Securities Law' (with Katherine Florey) Practicing Law Institute (September 2006); 'Ten Reasons Why Women Make Great Trial Lawyers', the Daily Journal (June 1, 2006); *Opening Statement: Ten Tips, California State Bar Litigation Section* (2005); 'What is "Corrupt?" Federal Obstruction of Justice Statutes and The Supreme Court's Grant of Certiorari in United States v Aguilar' (with Daralyn Durie), ABA White Collar Crime National Institute Materials (1995); 'The Impact of Criminal Proceedings in Civil Litigation' (with Jerome Matthews), California Continuing Education of the Bar (1991); 'Know Your Investigator: The Basics of How to Handle a Medicare or Medicaid Audit, Review, or Investigation' (with Paul R.



DeMuro), Homecare Magazine (November 1991); 'Effective Introduction of Evidence in California' (10 chapters), California Continuing Education of the Bar (1st Edition, 1990); 'Six Steps: Corporate Counsel's Immediate Response to a Potential Criminal Problem' (with Robert Van Nest), 2 Corporate Criminal Law Reporter 34 (1988).

**Personal:** Yale Law School, (JD, 1981); University of California at Berkeley (BA, summa cum laude, 1978).

## PAGE, Michael

Keker & Van Nest LLP, San Francisco 415 391 5400  
mpage@kvn.com

*Recommended in Intellectual Property*

**Practice Areas:** Intellectual property litigation, with extensive experience in copy-right, trade secret, trademark, and patent litigation. Recently, he received a California Lawyer Attorney of the Year Award for his success in obtaining a landmark Ninth Circuit decision in favor of his client, Grokster, in litigation against 29 major motion picture studios and record companies. That decision established the legality of peer-to-peer file sharing software, however, the U.S. Supreme Court remanded the case for consideration under a new legal standard. Significant intellectual property clients have included Google, Broadcom Corp., Cadence Design Systems, Nintendo, Electronic Arts, Sega, Intertrust, eBay, Harris Corporation, Heartport, AOL, E-Loan, and Tegal Corporation.

**Prof. Memberships:** Member, San Francisco Bay Area Intellectual Property Inns of Court; former Co-Chairman of the Litigation Section of the Barrister's Club; Member, litigation and intellectual property sections of the American Bar Association.

**Career:** Law clerk to the Honorable Samuel Conti, United States District Court, Northern District of California; joined Keker & Van Nest, 1995; became Partner, 1999.

**Publications:** Co-author: 'Copyright Protection of Video Games in the United States: Galoob v Nintendo', 14 European Intellectual Property Review, January 1992; 'Add-on Infringements: When Computer Add-Ons and Peripherals Should (And Should Not) Be Considered Infringing Derivative Works under Lewis Galoob Toys, Inc. v Nintendo of America, Inc., and Other Recent Decisions', Vol. 15 No. 3 Hastings Communication and Entertainment Law Journal, 1993.

**Personal:** Boalt Hall School of Law, University of California (JD 1991); University of Pennsylvania (BA 1975).

## PETERS, Elliot

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*Recommended in Litigation*

**Practice Areas:** Elliot Peters litigates all manner of complex civil and white-collar criminal cases. He has tried numerous criminal and civil cases in both state and federal courts. In commercial matters, Elliot represents investment companies in securities-related litigation, national law firms in professional liability defense, hi-tech companies in trade secret cases, and businesses and executives in employment and dissolution matters.

**Career:** Former law clerk to United States District Judge Whitman Knapp of the Southern District of New York (1985-87); Assistant United States Attorney in the Southern District of New York (1987-91); received the Department of Justice Director's Medal For Superior Performance (1991); joined Keker & Van Nest in 1991, Partner since 1993. Named 'Attorney of the Year' in 2004 by California Lawyer Magazine; listed in Best Lawyers in America; named Northern California Super Lawyer by San Francisco Magazine (2004-05).

**Personal:** New York University School of Law (JD, 1985); Yale University (BA, cum laude, 1980).

## STREETER, Jon

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*Recommended in Intellectual Property*

**Practice Areas:** Complex commercial civil litigation cases including intellectual property, antitrust, securities, banking and energy. He recently obtained a \$41 million jury verdict in a breach of contract dispute. Representative clients include Fresenius USA, Memorex, Oakland Alameda Coliseum Authority, PG&E, Inc., and Schlumberger.

**Prof. Memberships:** Vice-Chair, California Senate Commission on the Fair Administration of Justice; former President of the San Francisco Bar Association; Former President of the Association of Business Trial Lawyers of Northern California; Former Chair of the Northern District of California Lawyer Representatives to the Ninth Circuit Court of Appeals; Member of the Executive Committee of the Edward McFetridge Chapter of the American Inns of Court; Member of the American Law Institute; Member of the Ninth Circuit Task Force on Self-Represented Litigants; Chair of Keker & Van Nest's Pro Bono Committee.

**Career:** Partner, Keker & Van Nest (1997-present); Orrick, Herrington & Sutcliffe (Partner, 1989-97) (associate 1981-82, 1983-88); law clerk to the Hon. Harry T Edwards, United States Court of Appeals for the District of Columbia Circuit

(1982-83).

**Personal:** Boalt Hall School of Law, University of California (JD 1981); Stanford University (AB 1978).

## TANGRI, Ragesh K

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*Recommended in Intellectual Property*

**Practice Areas:** Ragesh Tangri's practice focuses on complex business litigation including intellectual property, legal malpractice, employee mobility, antitrust, securities and other civil matters. His significant clients have included American Honda, Intel Corp., Broadcom Corp., Visa USA, Google Inc., United States Surgical Corp., Cadence Design Systems, Inc. and prominent San Francisco Bay Area law firms.

**Prof. Memberships:** Former member and Co-Chair of the Lawyer Representatives from the Northern District of California to the Ninth Circuit Judicial Conference (2003-05); barrister, San Francisco Bay Area Intellectual Property Inns of Court; Member, American Bar Association's sections of Litigation and Intellectual Property; Board of Directors, Northern District Historical Society; Member, Northern District Civil Rules and Practice Committee.

**Career:** Law clerk to the Honorable A Raymond Randolph of the United States Court of Appeals for the District of Columbia Circuit; associate, Mayer, Brown & Platt in Washington, DC; associate, Howard, Rice, Nemerovski, Canady, Falk & Rabkin; Joined Keker & Van Nest, 1994, became Partner, 1999; Taught first-year Civil Procedure at Boalt Hall School of Law, University of California, fall semester 2003.

**Publications:** Co-author: 'Ending Patent Law's Willfulness Game', 18 Berkeley Tech. L.J. 1085 (2003); 'Parallel Proceedings: The Uncomfortable Intersection of Criminal and Civil Litigation', ABTL Northern California Report, Vol. 7, No. 3 (1998), (co-author with Jan Nielsen Little); 'New Standards For Attorney's Fee Awards in Copyright Cases', New Matter, Vol. 19, No. 2; 'A Libertarian Critique of University Restrictions of Offensive Speech', 79 Calif. L. Rev. 825 (1991), (co-author with David F McGowan).

**Personal:** Boalt Hall School of Law, University of California (JD 1991); University of California at Berkeley (BA, 1986).

## VAN NEST, Robert

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*Recommended in Intellectual Property, Litigation*

**Practice Areas:** Robert Van Nest's practice ranges widely over the field of complex business litigation and white-collar

crime. He has tried cases involving patent infringement, securities fraud, trademarks, commercial contracts, RICO, partnership disputes, real estate, insurance bad faith, mail and wire fraud, and other issues. Representative clients include American Honda Motor Company, Broadcom Corporation, Electronic Arts, Inc., Genentech, Inc., Intel Corporation, LSI Logic Corp., Pacific Gas & Electric, Topcon American Corporation, and Xilinx, Inc.

**Prof. Memberships:** Fellow, American College of Trial Lawyers; Fellow, International Academy of Trial Lawyers. Served on the faculties of the Hastings College of Advocacy, the National Institute for Trial Advocacy and the Sedona Conference on Patent Litigation and has been a Lecturer in Developments in Tort Practice for the California Continuing Education of the Bar since 1985. He recently served as a Member of the State Bar Commission on Mandatory Continuing Legal Education. Former director of the Association of Business Trial Lawyers (1992-2000) and chairs the Development Committee of Bay Area Legal Aid (1995-present). **Career:** Law clerk to the Honorable William H Orrick in the Northern District of California (1978-79); joined Keker & Brockett, 1979; partner since 1982.

**Personal:** Harvard Law School (JD, magna cum laude, 1978); Stanford University (BA, with honors, 1973). Member Phi Beta Kappa.