

# Daily Journal

SEPTEMBER 20, 2017

## TOP 100 LAWYERS IN CALIFORNIA 2017

### LITIGATION

## Robert A. Van Nest

KEKER, VAN NEST & PETERS LLP | SAN FRANCISCO

SPECIALTY: INTELLECTUAL PROPERTY

Van Nest has no shortage of irons in the fire. He's waiting to argue an appeal of his victory defending Arista Networks Inc. in a case in which Cisco Systems Inc. accused the company of improperly copying its command line programming interface for networking products.

He's also preparing for argument in an appeal of a big win he got defending Alphabet Inc.'s Google against a lawsuit filed by Oracle Corp. about Java, a programming language developed by a company Oracle acquired.

Google borrowed concepts from Java when creating its Android operating system for smartphones, but Van Nest successfully argued in San Francisco federal court that Oracle encouraged competitors to use its technology.

But he isn't just waiting around for those arguments. Van Nest is also defending Qualcomm Technologies Inc. in a bevy of cases, brought by the Federal Trade Commission and prominent phone companies such as Apple Inc. and Samsung Electronics Co. Ltd., that

accuse the semiconductor and telecommunications equipment company of misdeeds in its licensing of patents for special processors used in smartphones.

"The plaintiffs are all claiming that Qualcomm has a monopoly in the communication chips inside so called high-end smartphones," he said. "Obviously, Qualcomm invented some of the cellular techniques at issue."

Qualcomm licenses the chips themselves and also charges clients that don't use the company's chips but essentially mimic the underlying technology.

"The plaintiffs are challenging this practice as a violation of the Sherman Act," he said. "They're claiming this is improper even though it's been in place for many, many years and the whole industry has been aware of it and accepted it."

A consumer lawsuit has also been filed on behalf of indirect purchasers, claiming Qualcomm's alleged monopoly increased prices for end users.

Van Nest said the licenses only cost a



few dollars, a pittance for purchasers of smartphones that often cost hundreds of dollars.

— Joshua Sebold