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2006

The Client's Guide

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KEKER & VAN NEST LLP

is ranked in Chambers USA 2006 as follows:

CALIFORNIA

INTELLECTUAL PROPERTY

Intellectual Property Leading Firms
1 KEKER & VAN NEST LLP <i>San Francisco</i>

Leading Individuals
1 KEKER John <i>Keker & Van Nest LLP</i>
3 DURIE Daralyn <i>Keker & Van Nest LLP</i> PAGE Michael <i>Keker & Van Nest LLP</i> VAN NEST Robert <i>Keker & Van Nest LLP</i>
4 CHANIN Jeffrey <i>Keker & Van Nest LLP</i> STREETER Jon <i>Keker & Van Nest LLP</i>

Keker & Van Nest LLP

The Firm: Competitors describe the IP team here as “one of the most feared in the courtroom.” It manages to achieve an “unparalleled level of cooperation” and sustain an “unrivaled work ethic” that clients find deeply appealing. The firm’s dedicated IP litigators have contributed much to its 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-efficiently*” guarantees Keker & Van Nest its position in the top tier. The firm is currently working on a number of high-profile cases awaiting trial or on appeal, and recently forced summary judgment in favor of BlueArc in a patent infringement case involving computer file servers.

The Lawyers: The “*terrifically talented*” **John Keker** is recommended for his willingness to “*roll up his sleeves and tackle any case that comes his way.*” Keker is regarded as one of the best trial lawyers in the field, not least due to his “*fearless and creative*” style. High-profile patent infringement and trade secrets cases have come to the fore in Keker’s practice of late. **Daralyn Durie** is another of the firm’s practitioners to have fostered a formidable reputation in the courtroom, and is applauded by clients as an articulate speaker and a great writer. She is considered something of a rising star who is fast making her name as a strong IP litigator, having acted for both plaintiff and defense parties such as Genentech and Speedera. Following his involvement in the successful defense

of file-sharing online music provider Grokster, **Michael Page** was recently hired by Hummer Winblad Venture Partners to defend claims of liability for copyright infringement by users of Napster, a music provider in which they have invested. Market sources report that his “*highly innovative approach*” and “*incisive mind gives him an edge,*” particularly where copyright and trademark infringement cases are concerned. **Robert Van Nest** (see p.319) has established a strong reputation as “*an exceptional trial lawyer who gets to the heart of the matter every time.*” He specializes in handling patent infringement cases on behalf of technology firms of all sizes, including Intel and BlueArc. The tenacious **Jeffrey Chanin** has worked on several patent infringement and trade secrets misappropriation cases. Recent successes include obtaining a substantial settlement for Taiwan Semiconductor Manufacturing. His colleague **Jon Streeter** is another IP litigator renowned for being “*hard-hitting and talented.*”

Clients/Work Highlights: Cadence Design Systems; Comcast; Google; Genentech; Intel and Grokster.

LITIGATION

Litigation: General Commercial Leading Firms
1 KEKER & VAN NEST LLP <i>San Francisco</i>

Leading Individuals
1 KEKER John <i>Keker & Van Nest LLP</i>
3 VAN NEST Robert <i>Keker & Van Nest LLP</i>

Litigation: White-Collar Crime & Government Investigations Leading Individuals
★ KEKER John <i>Keker & Van Nest LLP</i>
2 VAN NEST Robert <i>Keker & Van Nest LLP</i>
3 LITTLE Jan <i>Keker & Van Nest LLP</i> PETERS Elliot <i>Keker & Van Nest LLP</i>

Keker & Van Nest LLP

The Firm: Commentators “*think the world*” of this renowned litigation boutique, which has attracted a caseload that ranges across commercial litigation, white-collar criminal matters and IP issues. A propensity to handle high-stakes litigation has made this firm a popular port of call for securities, class action, malpractice defense and trade secrets litigation. Recent highlights are its defense of class actions against clients of the caliber of AT&T Wireless. The group has also been engaged on behalf of Electronic Arts in a stockholder class action concerning financial disclosures, including state and federal derivatives actions. On the white-collar side, the team flexes its muscles on behalf of clients involved in SEC and grand jury investigations and internal corporate investigations.

The Lawyers: “*The star of the firm and of the market,*” **John Keker** is a favorite among peers and clients for both commercial litigation and white-

collar matters. In the latter field, he is deemed “*the dean of the Bar right now,*” for his street-fighter courtroom tactics. Not to be overshadowed is “*gentleman scholar*” **Robert Van Nest**, whose practice also spans civil and white-collar matters. He is currently representing the owners of 31% of the Oakland Raiders against Al Davis, who is alleged to have sought to misappropriate their limited partner interest by stripping them of voting and inspection rights. Commentators are “*extremely impressed*” with the work of **Jan Nielsen Little**, a “*smart and capable*” white-collar specialist. **Elliot Peters** is another figure who has “*stepped out from the shadows*” into a prominent white-collar criminal practice.

Clients/Work Highlights: Commentators drew attention to the firm’s client list, which was deemed to be “*as blue-chip as you get.*” Names include Google, American Honda Motor, American Honda Finance and a slew of major law firms.

Leaders

CHANIN, Jeffrey R

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

Recommended in Intellectual Property

Practice Areas: Jeff Chanin's practice spans the range of complex IP, 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, securities fraud, and Foreign Corrupt Practices Act 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 Superlawyers in intellectual property litigation. Notable trade secret, patent, and copyright cases include Microsoft v Google (Wash); Taiwan Semiconductor Manufacturing v Shanghai Manufacturing Int'l (ND Cal, Cal ITC); 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 (ND 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 Commission, 1977. **Personal:** JD, University of Chicago, cum laude, Order of the Coif (1980); AB, Brown University, magna cum laude (1976).

DURIE, Daralyn J

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

Recommended in Intellectual Property

Practice Areas: Daralyn Durie has tried 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. and Google, Inc.

Prof. Memberships: Lawyer representative to the Ninth Circuit Judicial Conference, Member of the Board of Governors of the Association of Business Trial Lawyers, Member of the faculty of the National Institute for Trial Advocacy, Member of the Board of Directors of Berkeley Montessori School.

Career: Law clerk to the Honorable Douglas Ginsberg on the United States Court of Appeals for the District of Columbia Circuit (1992-93). Joined Keker & Van Nest, 1993; became Partner, 1999. Frequent invited speaker on patent litigation, the DMCA, and legal ethics. **Personal:** Boalt Hall School of Law, University of California (JD 1992); University of California at Berkeley (MA 1989); Stanford University (BA 1988).

KEKER, John

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

Recommended in Intellectual Property, Litigation

Practice Areas: John Keker is one of the top trial lawyers in the United States. His trials have included criminal defense, patents, contracts, securities fraud, copyright, and business torts. Cases include: 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! Corporation 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, United States v. Frank Quattrone (SDNY 2003 (hung jury)), convicted 2004, on appeal; defense counsel in Ventritex v. Intermedics, listed by the National Law Journal as one of the top 10 defense verdicts 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 in Xilinx v. Altera (ND Cal), one of the most significant patent trials of 2000.

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

Keker & Van Nest LLP, San Francisco
415 391 5400
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 corporations and individuals in complex civil litigation in state and federal courts, and in SEC enforcement matters. Her clients include Google, Electronic Arts, McKesson, Safeway, and Johnson & Johnson.

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 non-profit independent school; selected as one of California's Top 75 Women Litigators in 2005 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: '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); 'Parallel Proceedings: The Uncomfortable Intersection of Criminal and Civil Litigation', ABA Litigation Section Complex

Crimes Journal (1993); '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 copyright, trade secret, trademark, and patent litigation. Recently, he received a CLAY Award (California Lawyer Attorney of the Year) for his success in obtaining a landmark decision in favor of his client Grokster in litigation against all of the major motion picture studios and record companies. That decision (currently on appeal to the United States Supreme Court) established the legality of peer-to-peer file sharing software. Significant intellectual property clients have included Google, Cadence Design Systems, Nintendo, Electronic Arts, Sega, Intertrust, eBay, Nullsoft, Palm Computing, 3Com, Harris Corporation, Heartport, AOL, E-Loan, and Tegal Corporation.

Prof. Memberships: San Francisco Bay Area Intellectual Property Inns of Court; former Co-Chairman of the Litigation Section of the Barristerr's Club.

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, Uni-

versity of California (JD 1991); University of Pennsylvania (BA 1975).

PETERS, Elliot

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

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, high-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

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

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 Fresno USA, Memorex, Oakland Alameda Coliseum Authority, PG&E, Inc., Schlumberger, and Tegal Corporation.

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).

VAN NEST, Robert

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

Recommended in Intellectual Property, Litigation

Practice Areas: 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, Electronic Arts, Inc., Genentech, Inc., Intel Corporation, LSI Logic Corp., Pacific Gas & Electric, Topcon American Corporation, and Xilinx, Inc.

Prof. Memberships: 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.