



Recent Satellite and Aerospace Representations

- Represented **DIRECTV**, obtaining a grant of certiorari from the United States Supreme Court on the propriety of classwide arbitration under the Federal Arbitration Act, reversing the California Court of Appeal. On remand from the United States Supreme Court, the California Court of Appeal held for the first time in a published decision that whether or not an arbitration agreement governed by the FAA permits classwide arbitration must be determined by the arbitrator, not the courts, reversing long-standing decisions under California law.
- Represented **DIRECTV** in a class action lawsuit alleging unfair business practices on the grounds that DIRECTV's conditional access smart cards did not comply with FCC regulations regarding Radio Frequency Interference. Obtained dismissal with prejudice on the grounds that the claims are preempted by the FCC and that the putative class had not sustained any injury in fact.
- Represented **DIRECTV** in a class action matter against claims of extortion and unfair business practices arising out of DIRECTV's anti-piracy campaign. The Court of Appeal affirmed the lower court's Order granting DIRECTV's anti-SLAPP motion and dismissed, with prejudice, the complaint. The Court of Appeal held that plaintiffs' claims do not seek to vindicate the public interest and are, therefore, not exempt under a recent amendment to the anti-SLAPP statute. The Court of Appeal also upheld an award of \$97,000 in attorneys' fees and awarded additional fees on appeal.
- Represented **DIRECTV** in a class action RICO matter involving DIRECTV's anti-piracy campaign. Obtained a published decision from the Ninth Circuit Court of Appeal upholding the dismissal, with prejudice, under the Noerr-Pennington doctrine, finding that pre-litigation demand letters are immune from liability even if they allegedly constitute fraud or extortion.
- Represented **DIRECTV** in a class action matter alleging violations of the Electronic Communications Privacy Act ("ECPA"). Obtained a published decision from the Ninth Circuit Court of Appeal affirming the dismissal of the complaint. In a case of first impression, the Court concluded that the ECPA did not permit liability for aiding and abetting or conspiracy to violate Section 2702 of the Act.
- Represented **DIRECTV** against claims of unfair business practices arising out of DIRECTV's policies relating to its Pay-Per-View programming. Obtained a complete defense award in a putative classwide arbitration.

- Represented **DIRECTV** against an individual trafficking illegal signal theft devices designed to decrypt and intercept satellite signals without authorization. Obtained a unanimous federal jury verdict finding 102 violations under the Digital Millennium Copyright Act, the Federal Communications Act, and the Electronic Privacy Communications Act resulting in millions of dollars in statutory damages.
- We represented **Northrop Grumman** in a \$132 million lawsuit alleging fraud, negligent misrepresentation and breach of contract arising out of the manufacture of solar arrays for satellites.
- We represented **Loral** in its defense of a derivative lawsuit related to one of the first direct broadcast satellite permits.
- We represented **TRW** in an AAA arbitration filed by a supplier of application-specific integrated circuits, seeking damages for the termination of a contract for convenience.
- We represented **XM Satellite Radio** in a major international arbitration proceeding involving the question of insurance coverage for XM's two primary broadcast satellites, which had lost power at an accelerated rate because of a design flaw. The arbitration hearings were held in Washington D.C. before a panel of three arbitrators and the amount in dispute was \$117.6 million. We were successful in proving that both satellites had suffered a "constructive total loss", which was heavily disputed.
- We represented **Northrop Grumman** in a trade secret case related to a proprietary rocket engine technology, and defense against a related antitrust lawsuit in which the plaintiff alleged that Northrop Grumman monopolized the market for launch vehicles for space.
- We represented **Teledyne Industries** against a competitor's lawsuit alleging infringement of its aircraft-wiring patent.
- We represented **Space Imaging Corporation**, an operator of remote sensing imaging commercial satellite technology, in an ICC arbitration held in London, England, concerning the manufacture, design and operation of the company's remote sensing satellite and ground equipment.
- We represented **Santa Barbara Research Center of Hughes Aircraft** in a case involving theft of trade secrets in the "spy-in-the-sky" satellite arena.
- We represented a number of satellite manufacturers in disputes with the federal government relating to acquisition and performance disputes, including prosecuting and defending disputes before the Armed Services Board of Contract Appeals and the U.S. Claims Court.

- We represented **Space Systems/Loral** in a dispute with a launch services provider over the timing of a satellite launch.
- We represented **DIRECTV** in two separate consumer class actions in which the plaintiffs sued DIRECTV and the NBA, and DIRECTV and the NHL, alleging various antitrust violations, including vertical and horizontal price fixing, monopolization, and illegal restraint of trade, arising out of the sale and distribution of DIRECTV's NBA League Pass and DIRECTV's NHL Center Ice Programming Packages. The Southern District of California granted DIRECTV's motion to dismiss and stayed discovery granting leave to amend. The District Court then granted DIRECTV's Motion to Dismiss the Amended Complaint, this time with prejudice as to all claims
- We represented a major defense contractor in a patent lawsuit related to fiber optic gyroscopes.
- Represented a major satellite entertainment company in an international arbitration against an insurance company contesting the denial of insurance coverage under a satellite launch and in-orbit insurance policy.
- Represented a major defense contractor accused of stealing trade secrets related to gauges that measure stress in rocket nozzles.
- Represented an aerospace company against a competitor's allegations that it misappropriated a \$50 million rocket design.
- Represented a major manufacturer of jet engines in action for patent infringement and misappropriation of trade secrets concerning repair parts and methods.