



Recent Transnational Representations

- In a major victory for **Empresas Cablevisión**, a subsidiary of Grupo Televisa, the world's largest Spanish-language media company, the firm obtained and upheld on appeal injunctive relief barring JPMorgan from transferring an interest in a loan to a bank controlled by Mexican billionaire Carlos Slim, owner of a company that competes directly with Empresas Cablevisión in the market for media services. The district court found that the transfer violated JPMorgan's covenant of good faith and fair dealing by bypassing Empresas Cablevisión's contractual right to veto assignments of the loan. In June 2010, the Second Circuit affirmed the grant of injunctive relief, and on the eve of trial the next month, JPMorgan consented to repurchase the loan interest it had sold to the Slim bank and to permanently refrain from any similar violation of Empresas Cablevisión's rights. The court rulings made front-page news in *The Wall Street Journal* and *The New York Times*.
- We represented a **Japanese ocean carrier** in the U.S. Supreme Court in *Kawasaki Kisen Kaisha Ltd. v. Regal-Beloit Corp.* The court held unanimously that ocean carriers are not subject to regulation as rail carriers merely because they make overseas intermodal shipments that include a domestic rail leg and, by a 6-3 margin, that contracts for overseas intermodal shipments are enforceable under laws governing ocean transportation even when the terms governing the domestic leg conflict with laws governing liability for losses in domestic rail transportation.
- We represent **Nokia**, a Finnish company that is the world's largest manufacturer of mobile cellular hand sets, in various cases against Qualcomm Inc., in what is probably the largest intellectual property litigation in the world. The firm was brought in to act as lead trial counsel in all US cases and is coordinating counsel with respect to the others. Qualcomm, based in California, develops and sells chip sets which are the "brains" of mobile hand sets. In a matter before the ITC, Qualcomm sought an exclusionary order that would have enjoined Nokia from importing its handsets into the United States. If successful, Qualcomm's complaint would have cost Nokia billions of dollars. We obtained an order denying Qualcomm's request. The judge denied Qualcomm's request for an exclusionary order under Section 337 and found that all three asserted patents were not infringed and that one of the patents was invalid under *KSR Int'l Co. v. Teleflex Inc.*, handing Nokia a complete defense victory, and allowing Nokia to continue to import hundreds of millions of handsets into the United States.
- We represented two German nationals who moved to Santa Barbara and sued media giant Bertelsmann AG and its former CEO. While working for **Bertelsmann**, these former executives had been the driving force behind the creation and development of AOL Europe, a joint venture between Bertelsmann and AOL. When Bertelsmann

sold its interest in AOL Europe for \$6.75 billion, it refused to compensate plaintiffs. They asserted claims for breach of contract and breach of partnership agreement among others. We obtained a **\$295 million verdict**. It was the seventh largest jury verdict in the nation that year.

- We negotiated a favorable settlement with JPMorgan on behalf of the **Joint Provisional Liquidators of Parkcentral Global Hub Limited**. The settlement came after Justice Lowe of the New York Supreme Court vacated an order of attachment that he had previously awarded to JPMorgan pursuant to which JPMorgan had attached \$200 million in cash and securities belonging to Parkcentral. Immediately after Justice Lowe vacated the attachment, JPMorgan initiated settlement negotiations and ultimately agreed to a settlement in the amount that it would have received had it taken its claim to the Bermuda liquidation proceeding. The effect of Quinn Emanuel's work was that the creditors received more than a 30 percent recovery on their claims, rather than close to zero.
- We are representing Dr. Enrico Bondi, Extraordinary Commissioner of **Parmalat S.P.A** in three separate \$10 billion lawsuits arising out of the largest bankruptcy in European history against various financial institutions and accounting firms, for aiding and abetting Parmalat's insiders in the commission of massive fraud and for auditor malfeasance. We obtained a **\$150 million** settlement against Deloitte & Touche's Italian arm.
- We represented **Seiko Epson** in one of the largest patent infringement cases ever filed with the International Trade Commission, asserting eleven patents and thirty-one claims against 1,000 different cartridge models sold by twenty-four manufacturers, importers and distributors of aftermarket ink cartridges for resale in the U.S. After a 7-day trial, the Administrative Law Judge **found for our client on every asserted patent and claim, against every single accused product that was adjudicated, and against every respondent** that had not already entered into a consent order, and based thereon, it issued a general exclusion order prohibiting all companies, whether or not they were parties to the ITC proceeding, from importing and selling infringing cartridges in the U.S.
- We represented **General Motors** in the famous case against Volkswagen and Ignacio Lopez, GM's former head of sourcing in Detroit for stealing secret GM documents. Working closely with inside lawyers from GM, we amassed devastating evidence and defeated all Volkswagen's jurisdictional and substantive motions. On the eve of the Volkswagen chairman's deposition, we obtained a **\$1.1 billion** settlement for General Motors.
- We represented consultants against Aeroflot in an International Arbitration proceeding in Stockholm, Sweden, which was conducted pursuant to the International Rules of the Stockholm Chamber of Commerce before a panel composed of a Swedish jurist, a Russian law professor, and an American lawyer and arbitrator. We obtained over **\$17 million** against Aeroflot, plus interest and costs,

The case involved claims for monies due for consulting and related activities over many years. An important issue in the case was the impact of U.S. foreign trade regulations on the legality of the claim, an issue that was resolved in favor of our client. Also, a provision in the parties' agreement identified the laws of two different countries as "the governing law," requiring the firm to perform significant research on Russian law, as well as American law.

- We represented **Vishay Intertechnology Asia** and **Vishay Japan** in two patent infringement cases in the Tokyo District Court in which they were accused of infringing Japanese patents covering Trench MOSFET semiconductor technology. After obtaining a series of positive pretrial rulings, the cases settled on favorable terms. We simultaneously represented their sister company, Siliconix, in the U.S. for infringement of its U.S. patents covering the same technology.
- We represented **Jacobs Engineering** in its suit against Atmel in simultaneous international arbitration proceedings on two fronts -- the U.S. and France, each involving different issues and parties. We coordinated proceedings in each so as to not create inconsistent positions, and prevailed in the U.S. arbitration, which led ultimately to a favorable settlement of the French arbitration.
- We represented **Mobil Oil** in overturning a \$3-million default judgment in Venezuela (that had been affirmed by the Venezuelan Supreme Court) based on Mobil's alleged failure to diligently prosecute an oil exploration effort on land where the plaintiff held a royalty interest, but where there had never been shown to be any commercial quantities of oil. After an investigation into the facts in Venezuela, and proceedings in five courts (three in Virginia and two in New York), we obtained a judgment declaring the Venezuelan judgment null and void and requiring the plaintiff to pay Mobil's costs.
- We represented **Hughes Aircraft** in a suit against the Civil Aviation Authority of Australia in the Australian federal courts. We obtained a \$20-million judgment against the CAA, with the Court finding that the Australian government had committed fraud and breached an obligation of good faith and fair dealing in its interactions with our client.
- We represented **Litton Saudi Arabia Limited** (LSAL) in a breach of contract and interference with contract action, significantly reducing a prior judgment against it. LSAL was a limited liability company partly owned by Litton Industries and a Saudi company. Prior to the firm representing LSAL, the company had been found to have breached the contract and interfered with the contract of Applied Equipment Corporation in the amount of \$18 million. Our attorneys re-tried the interference claim (liability was clear) and brought damages down to \$1 million. The plaintiff had turned down an offer to settle of 3 to 4 million dollars.
- We represented **Parsons**, winning a complete recovery against a project developer, Inversiones, in the first ICC arbitration ever held in Lima, Peru. The case was a

construction dispute related to a multi-use office/hotel casino project in Lima. Parsons had sued for unpaid amounts due under a construction management agreement. A counter-claim was made for \$9.5 million for alleged fraud, conspiracy, and breach of the construction management agreement. We also gutted the developer's counter-claim, persuading the panel to enforce the contractual limitation of liability despite allegations of fraudulent inducement.

- We represented **Hughes Aircraft** in a breach of contract and tortious interference action against GEC, one of the largest industrial concerns in England. We tried the case before the London Court of International Arbitration who awarded our client \$23 million in damages. The award was based on the tribunal's evaluation of the business opportunity Hughes lost when GEC cut Hughes out of a joint venture for proposing a radar system for the European Fighter Aircraft program.
- We represented **Dow Chemical** in a case in Geneva, Switzerland against its joint venture partners (the governments of Japan and Korea) arising out of joint ventures created to build chemical plants and to manufacture products overseas. We obtained a favorable settlement – a total return of capital plus thirty-percent.
- We represented **Space Imaging** in an ICC arbitration in London, where the panel upheld the termination of a Greek affiliate and required it to return to our client \$15 million in equipment.
- As General Counsel to the Academy of Motion Picture Arts and Sciences for many years, the firm has represented the Academy world-wide in numerous cases concerning the Academy's intellectual properties, including the Academy Awards® telecasts, "Oscar" copyright and design mark, and OSCAR, OSCARS, OSCAR NIGHT and ACADEMY AWARDS trademarks.
- We represented a number of clients in **international trademark disputes**, including an English manufacturer of alleged "gray market" women's perfume; an exclusive licensee in Korea of men's branded jeans in a dispute over a shipment of goods docked in Italy; and a United States re-seller of certain branded menswear manufactured in China.
- We represented **Raytheon** in a case brought against it by an individual who claimed that he was entitled to millions of dollars in commissions on the sale of the Patriot missile system to Saudi Arabia. We obtained a voluntary dismissal during trial, when, as a result of our extensive negotiations with the Saudi government, a Saudi minister submitted an answer to a written interrogatory disavowing the plaintiff's right to any recovery.
- We also serve as world-wide coordinating counsel for the **world's largest car manufacturer** in an intellectual property theft case coordinating enforcement in the EEC, Korea and elsewhere.

- We represented a **major aerospace company** in a federal lawsuit brought by a large European aerospace conglomerate involving a dispute over solar arrays used in satellites. We obtained summary judgment and a complete dismissal of the \$133-million negligence, negligent misrepresentation and fraud claims.

Other foreign clients we have represented include:

- The Government of Kuwait; The Federal Republic of Germany; the Government of Chile; The Republic of Gabon and its President; Invensys, a British corporation, and its Dutch subsidiary, Baan Development; Investcorp, a Bahrain-based investment bank; Oldebrecht, the largest construction conglomerate in Brazil; Opportunity, the largest investment advisor in Brazil; Hyundai Corporation of Korea; Hitachi and Semiconductor Energy Laboratory in Japan; Credit Lyonnais, the French investment banking company; Daewo; Zurich Group; Siete Leguass, a Mexican retail company; and the world-wide companies of General Motors, Vivendi and Shell.