

EXHIBIT A

## Robert D. Tadlock

Partner

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### Services

Intellectual Property, Intellectual Property Litigation



Robert Tadlock focuses his practice on intellectual property and complex commercial litigation. He has experience representing companies in litigation relating to patent, trademark, and copyright infringement, as well as breach of contract, commercial torts, unfair competition and antitrust disputes. Outside of litigation, Mr. Tadlock has also worked with clients to develop programs protecting and enforcing their brands and intellectual property rights. He has advised clients in a variety of industries, including consumer electronics, semiconductor manufacturing, social media, food and beverage products, and computer software and hardware. Mr. Tadlock's pro bono work includes advising The Shane McConkey Foundation on non-profit incorporation, obtaining trademarks, and drafting contracts protecting intellectual property.

Mr. Tadlock was recognized as a Northern California "Rising Star" for Intellectual Property Litigation in 2010, 2012 and 2013 by *Super Lawyers* magazine.

### Experience Highlights

#### **Evolutionary Intelligence v. Yelp Inc.**

Defending Yelp, Inc. in patent litigation relating to storing data in computer memory. *Evolutionary Intelligence, LLC v. Yelp, Inc.*, No. 12-794 (E.D. Tex. filed Oct. 17, 2012).

#### **Evolutionary Intelligence v. Twitter Inc.**

Defending Twitter, Inc. in patent litigation relating to storing data in computer memory. *Evolutionary Intelligence, LLC v. Twitter, Inc.*, No. 12-792 (E.D. Tex. filed Oct. 17, 2012).

#### **Kilopass Technology Inc. v. Sidense Corp.**

Defending Sidense Corp. in litigation asserting patent infringement, trade libel and defamation, intentional interference with prospective economic advantage, false advertising under the Lanham Act, and unfair competition under Cal. Bus. & Prof. Code § 17200 relating to one-transistor, one-time programmable embedded non-volatile memory (eNVM) technology. Defeated patent claims on summary judgment and plaintiff dismissed business tort claims with prejudice. Currently seeking attorneys' fees.

*Kilopass Tech., Inc. v. Sidense Corp.*, No. 10-2066 (N.D. Cal. filed May 14, 2010).

#### **Apple Computer Inc. v. Psystar Corporation**

Obtained summary judgment and a permanent injunction against a computer company utilizing Apple's copyrighted operating system software on non-Apple hardware based upon copyright infringement and violation of the Digital Millennium Copyright Act. The ruling resulted in a published opinion which affirmed liability for distributing copies of operating software and circumvention technology. The Ninth Circuit affirmed the permanent injunction and inapplicability of copyright misuse.

*Apple Computer Inc. v. Psystar Corporation*, 673 F.Supp.2d 943 (N.D. Cal. 2009), 673 F.Supp.2d 931 (N.D.



Cal. 2009), 586 F.Supp. 2d 1190 (N.D. Cal. 2008), *aff'd in part, remand in part* 658 F.3d 1150 (9th Cir. 2011) (affirmed on infringement, remand regarding sealing of certain information, *cert. denied* 132 S. Ct. 2374 (May 14, 2012)).

**Ice Cream Distributors of Evansville v. Dreyer's Grand Ice Cream Inc., et al.**

We represented Dreyer's Grand Ice Cream, Inc. in litigation filed by a former distributor of Dreyer's products alleging violations of the Sherman and Cartwright Acts, Racketeer Influenced and Corrupt Organization (RICO) Act, and Cal. Bus. & Prof. Code §17200. The court granted our motion for dismissal with prejudice of all claims, and the Ninth Circuit Court of Appeals recently affirmed that decision. In response to the action by ICD, we filed a separate lawsuit on behalf of Dreyer's seeking to recover amounts owed to it by ICD for products previously delivered by Dreyer's. In that matter the Court granted summary judgment in favor of Dreyer's for the full amount sought plus interest.

*Ice Cream Distribs. of Evansville, LLC v. Dreyer's Grand Ice Cream, Inc.*, No. 4:09-cv-05815-CW (N.D. Cal. 2009); appealed No. 10-17257 (9th Cir. Oct. 7, 2010). *Dreyer's Grand Ice Cream, Inc. v. Ice Cream Distributors of Evansville*, N.D. Cal. No. C10-00317.

**Weinrib v. Williams-Sonoma Inc., Pottery Barn Inc. and West Elm Inc.**

Represented Williams-Sonoma, Pottery Barn and West Elm in copyright litigation. Plaintiff settled after defendants filed for summary judgment. *Weinrib v. Williams-Sonoma, Inc. et al.*, No. 08-5695 (S.D.N.Y. filed June 25, 2008).

**In re Maxim Integrated Products Inc. MDL**

Defending Union Bank, N.A. in patent litigation relating to Union Bank's Mobile Banking App. *Maxim Integrated Prod. Inc. v. Union Bank N.A.*, No. 12-882 (W.D. Pa. filed June 27, 2012).

**Dreyer's Grand Ice Cream v. ConAgra Foods Inc.**

Represented Dreyer's Grand Ice Cream in breach of contract litigation involving manufacturing and distribution agreements.

**Williams-Sonoma Inc. v. Tradewinds Textiles Inc. and Tuesday Morning Corp.**

Represented Williams-Sonoma in case alleging trademark and copyright infringement as well as unfair competition claims against home goods manufacturers. *Williams-Sonoma, Inc. v. Tradewinds Textiles, Inc. et al.*, No. 10-2727 (N.D. Cal. filed June 22, 2010).

**Apple Inc. v. Eforcity Corp. et al.**

Representing Apple Inc. in case alleging patent and trademark infringement as well as unfair competition claims against manufacturers of accessories for the Apple iPhone®, iPod®, and iPad™. *Apple Inc. v. Eforcity Corporation et al.*, No. 10-03216 (N.D. Cal. filed July 22, 2010).

**Phoenix Licensing L.L.C./LPL Licensing L.L.C. v. Union Bank N.A**

Represented Union Bank, N.A. in patent litigation relating to automated marketing materials. *Phoenix Licensing, L.L.C. et al v. Aegon USA, Inc. et al.*, No. 10-212 (E.D. Tex. filed June 24, 2010).

**Sklar v. Microsoft**

Represented plaintiff in patent litigation involving the task bar feature of Microsoft's Windows XP and Vista operating systems.

**Actuate Corporation v. Aon Corporation et al.**

Represent Actuate Corporation, a manufacturer of business intelligence software, in breach of contract and copyright infringement litigation against Aon Corporation and TWG, Inc. Aon licensed a certain quantity of software from Actuate. Aon then spun off one of its divisions into a new company, TWG. Now both Aon and TWG are using Actuate's software which Actuate contends violates both the terms of its license contract with

Aon and violates Actuate's copyrights in its software. Matter settled.

*Actuate Corp. v. Aon Corp., et al.*, No. 10-5750 (N.D. Cal. filed Dec. 16, 2010).

**The Prudential Insurance Company of America v. Actuate Corp.**

Represented Actuate Corporation in copyright, breach of contract, and unfair competition litigation for unlicensed use of software. *The Prudential Ins. Co. of America v. Actuate Corp.*, No. 11-3692 (D.N.J. filed June 28, 2011).

**Informatica Corp. v. Business Objects Data Integration Inc.**

Counsel for defendant Business Objects Data Integration in a patent infringement action involving business intelligence software.

*Informatica Corp. v. Business Objects Data Integration, Inc.*, No. 02-3378 (N.D. Cal filed July 15, 2002).

**Education**

University of San Francisco School of Law, J.D., *cum laude*, *University of San Francisco Law Review*, Comments Editor (2005)

University of Washington, Jackson School of International Studies, B.A. (1999)

**Bar Admissions**

California

**Admissions**

U.S. District Court for the Eastern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Northern District of California