

# Exhibit A

# MORRISON FOERSTER

## MICHAEL A. JACOBS



### PARTNER

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### EDUCATION

Stanford University (B.A., 1977)  
 Yale Law School (J.D., 1983)

### PRACTICES

[Intellectual Property Litigation](#)  
[Patent Litigation](#)  
[Trade Secrets](#)

### BAR ADMISSIONS

California

Michael Jacobs is the co-founder of the firm's Intellectual Property Practice Group. Mr. Jacobs concentrates his practice on litigation of high-technology and intellectual property matters. He has represented information technology and life sciences companies in over 25 patent lawsuits, often prevailing at early stages of the dispute. He has also handled numerous high-profile arbitrations, several of which involved the interplay between arbitration and court proceedings.

Mr. Jacobs' work in several landmark cases has helped to shape the laws governing emerging technologies. Early in his career, he led the technical team that represented Fujitsu in its landmark operating system software arbitration with IBM. He represents Novell in the widely-reported *SCO v. Novell* litigation. After a three-week trial in the case in March 2010, the jury affirmed Novell's ownership of the UNIX software code and rejected SCO's claim for damages of hundreds of millions of dollars. The 10th Circuit Court of Appeals recently affirmed the district court's judgment. He currently represents Oracle in its intellectual property dispute with Google over the Android operating system.

Before starting his legal career, Mr. Jacobs held assignments with the United States Foreign Service in Kingston, Jamaica and Washington, D.C.

While earning his J.D., Mr. Jacobs was a Senior Editor of *The Yale Law Journal* and co-founded the Allard K. Lowenstein International Human Rights Law Project. He currently teaches Trade Secrets at UC Berkeley Law School.

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### **Elan Pharma International, Ltd. v. Abraxis Bioscience**

(District of Delaware). Represented Abraxis BioScience, Inc., in defending its lead product, Abraxane, against claims by Elan Pharmaceutical International, Ltd., of infringing Elan's patents for coated nanoparticles used to deliver paclitaxel for the treatment of metastatic breast cancer. This was the first nanotechnology patent case taken to jury trial. The case was settled in 2011.

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**SCO Group v. Novell**

(District of Utah). Prevailed in three-week jury trial in Salt Lake City when a jury determined that Novell owned the copyrights to the UNIX computer operating system. (2010) In an earlier trial, won multi-million dollar award for Novell based on its right to royalty payments from UNIX software licenses granted by SCO. (2008)

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**Autodesk v. SolidWorks**

(Northern District of California). Represented Autodesk in trademark infringement action relating to protectibility of Autodesk's "DWG" mark. Obtained consent judgment of trademark validity as part of settlement.

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**Monec v. Apple**

(Eastern District of Virginia). Defeated plaintiff on summary judgment in patent infringement lawsuit related to iPhone. Case resolved while plaintiff's Federal Circuit appeal was pending.

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**Media Queue v. Netflix**

(Northern District of California). Defeated plaintiff on summary judgment in patent infringement lawsuit related to the Netflix DVD "queue." Currently representing Netflix in plaintiff's Federal Circuit appeal.

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**Notal v. Carl Zeiss Meditec**

(AAA/ICDR). Won nearly \$10M award for plaintiff in ophthalmologic medical equipment dispute.

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**Tap v. QLT**

(Northern District of Illinois). Settled case in damages phase after liability was established under previous counsel in resorbable polymer patent infringement action brought against client QLT, a biopharmaceutical company.

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**Vernor v. Autodesk**

(Western District of Washington; Ninth Circuit). Represented Autodesk in Ninth Circuit appeal of a ruling regarding software licensing and the first-sale doctrine under copyright law. Brought in to defend Autodesk after motion to dismiss was denied. In October 2011, the U.S. Supreme Court denied Vernor's cert petition, preserving the Ninth Circuit court's ruling.

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**Fantasy Sports Properties Inc. v. Yahoo!**

(Eastern District of Virginia; Federal Circuit). Prevailed on Federal Circuit appeal after winning early motion for

summary judgment of non-infringement on behalf of Yahoo! in patent infringement suit involving computerized fantasy football games. Successfully represented and currently representing Yahoo! in other patent infringement actions.

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**Minebea Co. v. Think Outside**

(Southern District of California; Federal Circuit). Won affirmance in the Federal Circuit of summary judgment victory on behalf of portable keyboard designer Think Outside in a patent infringement action involving Think Outside's stowaway portable keyboard.

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**Neuralstem v. Reneuron**

(Central District of California). Represented U.K.-based defendant in trade secret and material transfer agreement dispute involving stem cell technology. Case settled shortly before trial.