

FOCUS ON INTELLECTUAL PROPERTY



At the vortex of Boalt's **top-rated** IP program is

the Berkeley Center for Law &



Technology

(**BCLT**). This



issue of the *Transcript* cele-

brates **BCLT**'s 10th anniversary and chronicles



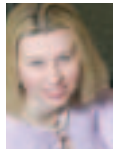
how faculty, staff and



alumni are making a differ-

ence in the world of

intellectual property.



We profile **BCLT**'s eminent **faculty** members and

stellar **students**. And we honor Boalt **alumni**

whose outstanding



work in this **dynamic** area of law

includes protecting the **IP rights** of Bugs Bunny to



fighting for our **cyber rights**.

STORIES BY
JESSE FREUND
PHOTOS BY
JIM BLOCK



In the Trenches and on Alums Excel in

The names are luminous and the list is long. While it wasn't easy, we've narrowed it down to the top 11 alumni who have made a difference in the world of intellectual property and law and technology.



BUGS' GUARDIAN

As general counsel and executive vice president for Warner Bros. Entertainment, **John Schulman** '72 helps protect the IP rights of Bugs Bunny, Superman and *The Jazz Singer*—not to mention the other 6,600 feature films, 40,000 television titles and 14,000 animated pieces at the television and movie studio. Prior to joining

Warner Bros. in 1984, Schulman worked for the entertainment law firm Kaplan, Livingston, Goodwin, Berkowitz & Selvin, which was an outside counsel for the studio. Since becoming general counsel at Warner Bros., Schulman has helped the company triumph over potentially crippling lawsuits, including *Estate of Garrison v. Warner Bros.* and *Byers v. Warner Bros.*, a copycat liability case that claimed the 1994 Oliver Stone film *Natural Born Killers* inspired a young couple's deadly crime spree. In his public statements, Schulman framed *Byers* as a First Amendment case over the freedom of artists to create. He is busy defending the company's intellectual property, and he remains an outspoken critic of overseas IP incursions and online piracy, as well as an advocate for legal reform in those arenas.

HE'S IN THE GAME

Joel Linzner's list of past clients reads like a who's who of Silicon Valley: Electronic Arts, Sega Enterprises, Sony Computer Entertainment, Yahoo!, Apple Computer, Creative Labs and Wells Fargo Bank. While Linzner '77 has represented some of the biggest names in computers and video games, he cites his efforts defending the little guys as his shining moments. In 1989 he successfully defended the young entrepreneurs at



Distinctive Software against their parent company's attempt to shut them down and take over their business. At the time the case represented one of the first to apply copyright issues surrounding computer program modules. Today Linzner plies his wares as senior vice president of business and legal affairs at Electronic Arts. The Redwood City, California-based company acquired Distinctive Software in 1991. Electronic Arts is widely recognized as the world's leading independent developer and publisher of interactive entertainment software. If someone wants to challenge the company's intellectual property, they will have to get through Linzner first.

APPLE OF APPLE'S EYE

Giving new meaning to the phrase Mac attack, **Nancy Heinen** '82 joined Apple as senior vice president and general counsel in 1997. One of 70 women holding general counsel positions at Fortune 500 companies in 2003, Heinen is responsible for overseeing legal matters for the Cupertino, California, computing giant. She was previously vice president and general counsel and secretary at NeXT Software, where she was responsible for preparing the company for its initial public offering and was counsel for NeXT in its acquisition by Apple. Before her work at NeXT, Heinen served as group counsel at Tandem Computers, where she managed legal affairs for various operating divisions, advised the board of directors, and prepared SEC disclosure documents.



Apple/Rick English

SAFEGUARDING FOX'S IP

Rita Tuzon '76 is the only lawyer who can truly claim that she represented Bart Simpson. Well, more accurately, she successfully defended Twentieth Century Fox against actress Tracy Ullman's claim of rights to the merchandising profits from the hit television series *The Simpsons*. Ullman had argued that the Simpson characters originated on "her" television show. After a three-week trial, the jury took two hours to reject Ullman's claims. Last March Fox Cable Networks named Tuzon as executive vice president, business and legal affairs, and general counsel. As such

the Frontiers, Intellectual Property

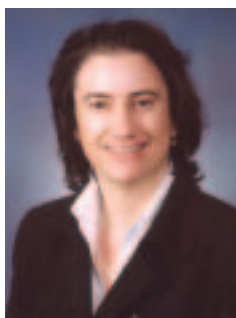
Tuzon supervises all legal and business matters for the slate of Fox cable channels. Her biggest challenge is defending the company's intellectual property as in her recent defense of the Fox series



Arrested Development from trademark claims by the band of the same name. "Fox is a media company; its commodity is the ownership, licensing and distribution of intellectual property," says Tuzon. "Throughout nearly everything we do, including many contractual matters, safeguarding our owned and licensed rights and our ability to distribute that content is our primary concern." In other words, don't try to outfox Fox's legal guardian.

OPEN SOURCE EXPERT

Heather Meeker '94 helped to open Greenberg Traurig's Silicon Valley office in 2004. She has advised many of today's leading-edge companies, including VA Software, CitySearch, Philips, and Autobytel.com. Her scholarly writing often concentrates on open source software licensing, and she is co-chair of the American Bar Association's Science and Technology Section's new Committee on Open Source Software. At the firm she specializes in drafting and negotiating intellectual property transactions for software and other technology industries. She's authored the textbook *Intellectual Property Licensing: A Primer* as well as numerous law review articles on technology and law subjects. Prior to attending Boalt, Meeker worked as a computer engineer and a professional musician, playing the drums and percussion. Today she's more apt to beat the war drums on her clients' behalf.



SECURING SECURITY

Art Courville '87 is senior vice president and general counsel for Symantec Corporation. In his role, Courville manages mergers, acquisitions, intellectual property licensing, OEM sales support, litigation management, patent supervision and other corporate matters. Before moving to his current position at Symantec, Courville served at various junctures as director and senior direc-

tor of its legal department. He was also the director of product management for all Java programming and HTML editing products. Prior to joining Symantec, he practiced with Gibson, Dunn & Crutcher. Courville also holds an M.B.A. from the Haas School of Business at UC Berkeley. He is a member of the board of directors for the Business Software Alliance and is a designated trustee of the Software Patent Institute.



PIRATES' WORST NIGHTMARE

As senior vice president, general counsel and corporate secretary for Adobe Systems Incorporated, **Karen Cottle** '76 helps the company manage its legal interests. She is responsible for the digital imaging giant's public policy, anti-piracy and litigation efforts. Cottle's key challenge at Adobe is combating piracy, which, she says, costs the company nearly \$500,000 in annual revenues. Cottle is proud that the Adobe legal team is a business asset for the company. Prior to joining Adobe, she served as general counsel for Vitria Technology and before that she was general counsel at Raychem Corporation. Cottle cut her teeth as a litigator at Farella Braun + Martel. Although she didn't study IP at Boalt, she found her expertise and passion through her private and corporate experiences. "Intellectual property law in the software industry moves quickly," says Cottle. "That's what makes working for a company like Adobe fun. It's not static. It's an innovative field." As the newly elected chairman of the Business Software Alliance's board of directors, Cottle will lead the board in establishing policy initiatives, anti-piracy efforts and global education programs.



THE IP LITIGATOR

Janet Cullum '82 is chair of the Cooley Godward litigation group and works out of the firm's Palo Alto office. Cullum practices in the area of IP litigation, with a focus on trademark and copyright issues, as well as advertising and licensing disputes. She has been



an active litigator in some of the most important cases involving emerging technology and the law, including *A&L Technology v. Resound Corporation*, *Sun Microsystems Inc. v. Microsoft Corporation*, *eBay Inc. v. Bidder's Edge Inc.*, and *Creative Labs Inc. v. Edek Technologies Inc.* In addition to litigating, Cullum advises clients on the selection of trademarks and the legal aspects of copyright enforcement. She previously served as head of the firm's trademark, advertising and copyright

practice group and the intellectual property litigation practice group. Before joining Cooley Godward, Cullum was a deputy district attorney for the County of Santa Clara, where she handled numerous jury cases and bench trials. Cullum is a member of the International Trademark Association and has served on its Education Subcommittee, focusing on federal agency regulations. In 2004 *San Jose Magazine* recognized Cullum as one of Silicon Valley's Top Legal Eagles for her work in patent, copyright and intellectual property law.

THE INTERNATIONALIST

Evan Cox '87 is an expert in anti-counterfeiting, anti-piracy and digital rights management strategies and enforcement. As a partner with Covington & Burling, he contributes his intellectual property and antitrust expertise to the firm's San Francisco office. He represents technology companies that need help structuring and negotiating licenses, distribution and joint ventures. He advises clients on U.S. antitrust law and European Union competition law. He represents clients before the Antitrust Division of the Department of Justice, the Federal Trade Commission, and the European Union's Directorate General for Competition. Cox possesses extensive knowledge of the anti-circumvention issues surrounding the Digital Millennium Copyright Act of 1998. And his in-house team of Internet investigators offers clients worldwide forensic and takedown capabilities. Before coming to San Francisco, Cox served in the firm's London office, where he provided outside legal counsel to the Business Software Alliance (BSA) for Europe, Africa and the Middle East. On behalf of the BSA, Cox led the software industry's public policy efforts in the European Union and Eastern Europe and helped to design and supervise civil and criminal copyright and trademark enforcement campaigns in more than 40 countries.



START-UP MAKER

A partner with Keker & Van Nest, **Michael Page** '91 specializes in IP litigation and possesses extensive experience in copyright, trade secret and patent law. He was instrumental in obtaining a favorable decision for his client Grokster in *MGM v. Grokster*, the landmark ruling that established the legality and legitimacy of peer-to-peer file sharing. Recently he received the *California Lawyer* Attorney of the Year Award for his work on behalf of Grokster. Page also has represented Hummer Winblad Venture Partners in the Napster litigation. He has defended 321 studios against major motion picture leviathans. He helped InterTrust Technologies with its patent litigation against Microsoft. And he advised Google in a trademark and cybersquatting dispute. The rest of his client roster is equally impressive: America Online, Nintendo, Electronic Arts, Sega Enterprises, Palm Computing, 3Com and many more. Prior to joining Keker, Page was an associate with Howard, Rice, Nemerovski, Canady, Falk & Rabkin.

PATENT BUSTER

As a staff attorney with the Electronic Frontier Foundation (EFF), **Jason Schultz** '00 spends his time fighting for your cyber rights. He specializes in intellectual property and reverse engineering, and he assisted in the founding of the foundation's Patent Busting Project. Schultz helped to defend Web animation studio JibJab Media against music publisher Ludlow Music (*JibJab Media Inc. v. Ludlow Music Inc.*) over the right to use the song "This Land Is Your Land" in a Web parody of the Bush-Kerry presidential race. EFF alleged that JibJab's animated work was a protected "fair use" and did not infringe Ludlow's copyrights. In the course of investigating the case, Schultz and EFF learned that the classic Woody Guthrie song had been part of the public domain for decades. Before joining the foundation, Schultz worked for Fish & Richardson, where he "spent most of his time invalidating software patents and defending open source developers in lawsuits," according to his EFF biography. This spring Schultz is teaching cyberlaw at the Berkeley Center for Law & Technology.



—JESSE FREUND

While it's tempting to think that undergraduates come to Berkeley fresh-faced and eager to learn, it's important to bear in mind that Boalt students arrive already adept at impressive scholarship—and capable of much more. Consider our four top intellectual property (IP) students who are preparing to shape today's legal foundations for tomorrow's technologies.

Yen P. "Titi" Nguyen '05 might just create a novel vision for social justice in the new technological age. With a joint undergraduate degree in law and society and computer science, Nguyen arrived at Boalt with an ambitious agenda. "People think of technology as different [from] the rest of society, and I'm out to change that," she says. As editor in chief of the *Berkeley Technology Law Journal* (BTLJ), she's certainly well positioned to do so. Nguyen dreams of one day joining the U.S. Department of Justice high-tech unit as a federal prosecutor. In the meantime, she plans to cut her teeth as a patent attorney at Weil, Gotshal & Manges.

Felix Wu '05 could build the technologies of tomorrow, but he'd just as soon determine their legal standing. He plans to complete his J.D. in May and his Ph.D. in computer science soon after. "I worked building cryptography theory for digital rights management," he says, "but I found it impossible to just look at the technology. I needed to bring [in] a social and legal perspective." Wu, the BTLJ's associate editor, published his article "*The United States v. The American Library Association: The Children's Internet Protection Act, Library Filtering, and Institutional Roles*" in the publication last year. Wu aspires to a career in legal academia, but he plans to gain real-world experience first as a litigator at Covington & Burling.

Azra Medjedovic '05 brings a rich personal history to her work at Boalt. A refugee

from Bosnia-Herzegovina, Medjedovic has worked at the student-run California Asylum Representation Clinic at Boalt. "I'm an asylee so that was very rewarding," she says. Through her involvement with

Rising Stars

the Samuelson Law, Technology & Public Policy Clinic, Medjedovic has advised the University of California on surveillance best practices and worked on challenges to the Digital Millennium Copyright Act with regard to academic research. With a background as a chemist, Medjedovic hopes to pursue patent litigation at Weil, Gotshal & Manges.

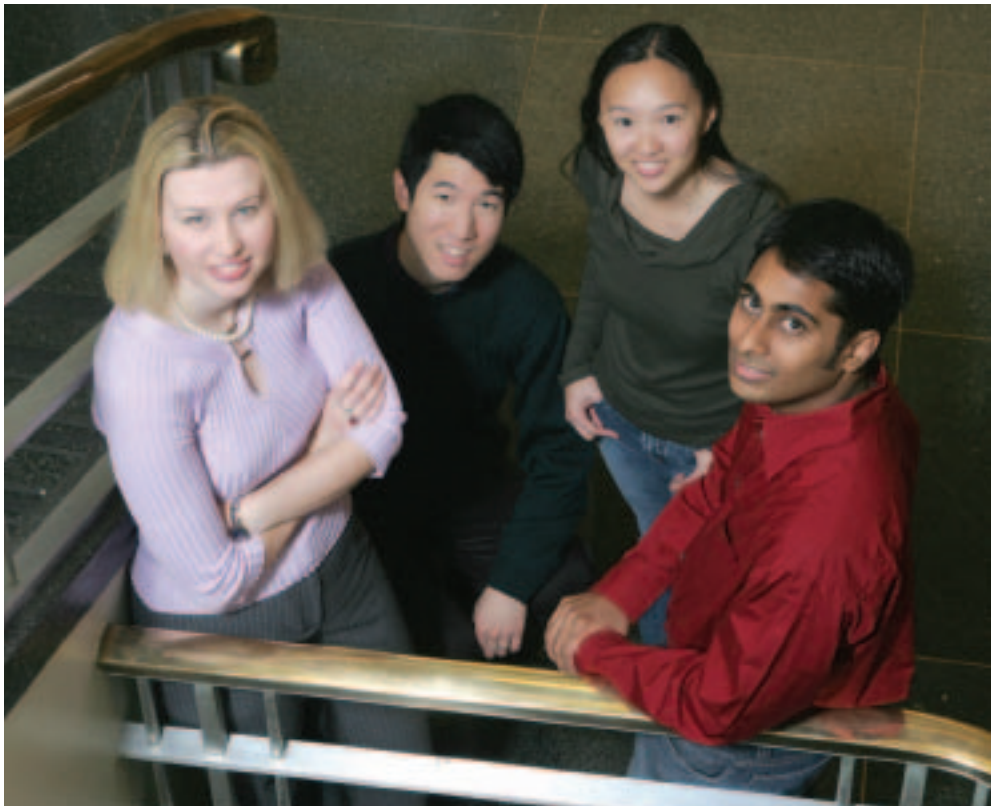
Ranganath Sudarshan '06 gave up a rocketing career in engineering in order to

attend Boalt. "I was a hard-core engineer," he says. "I worked at start-ups and big companies like Intel. But I couldn't see doing it in five or 10 years. IP law was simply more exciting because I get to work with people." Since coming to Boalt, Sudarshan has become an active partici-

pant in the *Berkeley Technology Law Journal*. After working with the publication his first year, he ran for and won a seat on its executive board this year. Sudarshan plans to pursue his interest in patent law at the Silicon Valley office of Skadden, Arps, Slate, Meagher & Flom after graduating in 2006.

—JESSE FREUND

Jim Block



Stellar IP students (left to right) Azra Medjedovic '05, Felix Wu '05, Yen P. "Titi" Nguyen '05 and Ranganath Sudarshan '06 bring a diverse portfolio of expertise and experience to their work.