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13 Attorneys for Plaintiffs  
 14 MARGARET TUMAMPOS,  
 15 JONATHAN LAM, and CONNIE LAI on  
 their behalf and others similarly situated

16 IN THE UNITED STATES DISTRICT COURT FOR THE  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 MARGARET TUMAMPOS, JONATHAN  
 19 LAM, AND CONNIE LAI ON THEIR  
 20 BEHALF AND OTHERS SIMILARLY  
 SITUATED,

21 Plaintiffs,

22 v.

23 CATHAY PACIFIC AIRWAYS LTD.,

24 Defendant.

**CASE NO. 4:16-CV-06208-CW**  
*Assigned for All Purposes:*  
*Honorable Claudia A. Wilken*

**DECLARATION OF ALFREDO A.  
 BISMONTE IN SUPPORT OF  
 UNOPPOSED MOTION FOR AN  
 AWARD OF ATTORNEYS' FEES,  
 EXPENSES, AND SERVICE AWARDS  
 FOR REPRESENTATIVE PLAINTIFFS**

Date: September 18, 2018  
 Courtroom: TBD  
 Time: 2:30 pm

Action Filed: October 26, 2016  
 Amended Complaint Filed: January 27, 2017  
 Trial: Not Yet Set



1 I, Alfredo A. Bismonte, declare as follows:

2 1. I am an attorney at law licensed to practice before all courts in the State of  
3 California, and the United States District Court for the Northern District of California since 1988.  
4 I am a partner at Beck, Bismonte & Finley, LLP, counsel of record for the Plaintiffs and the  
5 putative class in the above-entitled action. I have personal knowledge of the matters set forth  
6 herein, except as to those matters stated on information and belief, and as to those matters, I  
7 believe them to be true. If called upon as a witness to testify upon the matters stated herein, I  
8 would be competent to do so.

9 2. I have read the Declaration of Alexander M. Medina in support of Plaintiffs'  
10 Unopposed Motion for an Award of Attorneys' Fees, Expenses and Service Awards ("Medina  
11 Decl.") and with the exception of facts relating solely to the internal activities of the Medina  
12 McKelvey LLP law firm in this case, such as billing rates and hours that law firm devoted to this  
13 case, I hereby confirm the facts set forth in that Medina Decl. In the interests of efficiency and  
14 judicial convenience, I will endeavor to try to avoid repeating facts set forth in the Medina Decl.  
15 and focus on facts more specifically best known to me as co-counsel.

16 3. In September 2016, Cathay sent out written notices to its California-based flight  
17 attendants that Cathay recently learned that since it was based in Hong Kong and since the  
18 airplanes operated by US-based flight attendants were non-American vessels which flew to Hong  
19 Kong and back, California-based Cathay flight attendants were not authorized to make Social  
20 Security (FICA) or California State Disability Insurance (SDI) contributions. Accordingly, those  
21 contributions, which started in 2006, would stop immediately. Further, these California-based  
22 flight attendants would not be entitled to benefits under those governmental programs. Cathay  
23 did, however, state that it would return to the California-based flight attendants payments they  
24 made under SDI as well as provide some assistance in seeking refunds of previous FICA  
25 contributions.

26 4. I understand that Cathay's announcement of loss of these employment benefits  
27 caused a great deal of consternation. Many California-based Cathay flight attendants contacted

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1 me, told me that they were surprised and angry and asked me if Cathay's actions were legally  
2 correct and what, if any, steps one could undertake to compensate the affected flight attendants.

3 5. Given this discontinuation of benefits situation, which even Cathay confirmed was  
4 unusual, I devoted a great deal of time and effort researching the implications and law related to  
5 the actions by Cathay. I also was approached by at least six California-based flight attendants  
6 who urged me to take legal action against Cathay. I eventually concluded that the class action  
7 procedure was the most effective legal vehicle to bring an action. But when I discussed with the  
8 flight attendants who approached me the possibility of being a named plaintiff, I was informed  
9 that they did not wish to be plaintiffs in a suit against Cathay.

10 6. Eventually, I was approached by Plaintiff Margaret Tumamos, a California-based  
11 Cathay flight attendant, who was willing to be a named Plaintiff on her behalf and others  
12 similarly situated. I have known Ms. Tumamos for approximately 28 years and was a friend of  
13 her husband until he suddenly died in a motorcycle accident approximately six years ago. In  
14 preparation of the original complaint, Ms. Tumamos provided me with over 400 pages of  
15 documents related to this case. These documents included her bi-monthly paper payment records,  
16 Cathay training manuals, including manuals she received in 2007, as well as emails. I then  
17 carefully reviewed these documents and considered the claims that could be brought by way of  
18 the Complaint.

19 7. Subsequently, I concluded that since my law firm had limited experience in  
20 employment class-action matters, it would be beneficial to the Plaintiff and putative class for me  
21 to engage another law firm as co-counsel. I then sought out several recommended law firms and  
22 spent efforts approaching, educating, and evaluating law firms with expertise in employment  
23 class action matters. Eventually, I concluded that the Medina McKelvey LLP law firm would be  
24 an excellent co-counsel for this endeavor.

25 8. My law firm then worked cooperatively with the Medina McKelvey LLP law firm  
26 as to all facets of the litigation. By way of example we worked together to conduct further  
27 interviews, prepare the Complaint, and evaluate Cathay's initial motion to dismiss and motion to  
28 strike.

1           9.     My law firm then identified and interviewed named Plaintiffs Connie Lai, who  
2 was a Los Angeles-based Cathay flight attendant, and Jonathan Lam, a former California-based  
3 flight attendant, as additional class representatives. Our two law firms then worked to prepare an  
4 Amended Complaint with these additional named Plaintiffs. When Cathay thereafter filed  
5 motions to dismiss and strike against the Amended Complaint, our law firms worked to prepare  
6 oppositions to those motions. I then participated in the oral argument on the motions to dismiss  
7 as well as the initial case management conference.

8           10.    The Court then ruled on the motion to dismiss, partially granting and partially  
9 denying that motion. Thereafter, Cathay filed a motion to request that this Court certify for Ninth  
10 Circuit interlocutory review its rulings on the motion to dismiss and to stay the District Court  
11 proceedings. Because my colleague, Joseph Greco, has substantial appellate experience, my law  
12 firm had primary responsibility to oppose this motion to certify for review. At Plaintiffs' request,  
13 this Court denied such certification or stay request.

14           11.    My law firm then worked with co-counsel in preparing discovery directed at  
15 Cathay and analyzing the resulting responses. We then participated in all facets of the lengthy and  
16 arduous mediation before Judge Lynn Duryee (Ret.), including the possible damage claims in the  
17 mediation brief which required careful analysis of the wage statements.

18           12.    Because of my relationship with the named Plaintiffs, I had the primary  
19 responsibility to coordinate with and educate them as to this case. None of them were particularly  
20 knowledgeable of the American legal system so I devoted considerable efforts in informing  
21 Plaintiffs of their duties and obligations, any new developments, and the significance of legal  
22 rulings and terminology. Such communications with named Plaintiffs included counseling them  
23 on the strengths and weaknesses of Plaintiffs' claims against Cathay compared to the benefits of  
24 settlement.

25           13.    I concur with the opinion of co-counsel, Alexander Medina, who states in the  
26 Medina Decl. that this settlement is fair, reasonable, and adequate and represents a good result for  
27 the Class under the circumstances. Certain potentially dispositive defenses may apply to various  
28 class-wide claims. Despite these defenses, Plaintiffs successfully negotiated a resolution that will

1 provide significant compensation for Cathay's alleged violations of the California Labor Code.  
 2 All told, this is an outstanding result, achieved after mediation and upon the parties' acceptance of  
 3 a mediator's proposal for settlement. It is also notable that the settlement terms preserve the Class  
 4 members' right to request a refund of prior FICA contributions, including a refund of those  
 5 contributions matched by Cathay, if those Class members so desire.

6 14. Class Counsel have substantial experience in litigation and are well qualified to  
 7 represent the Class.

8 15. Attached as **Exhibit 1** to this declaration are true and correct copies of professional  
 9 biographies of myself, my partner Ronald C. Finley, my colleague Joseph A. Greco, and my  
 10 former Associate Jeremy M. Duggan, who were all counsel of record in this litigation. As shown  
 11 by those biographies, I have approximately 30 years of experience as a litigator. Ronald C. Finley  
 12 has approximately 20 years of experience as a litigator, Joseph A. Greco has approximately 36  
 13 years of experience as a litigator and Jeremy M. Duggan has approximately 15 years of  
 14 experience as a litigator. During the course of this litigation, Mr. Duggan left this firm to become  
 15 a lawyer for the California Department of Justice.

16 16. Below is a chart showing the amount of hours that the four attorneys of record at  
 17 my firm billed to this matter, as well as the attorney's hourly rate. This chart includes only the  
 18 four attorneys of my firm who were most involved in this litigation and does not include other  
 19 attorneys or support staff that also worked on the case. The chart was prepared from  
 20 contemporaneous daily time records regularly prepared and maintained by my firm.

Attorney	Hourly Rate	Total Hours	Total Fees
Alfredo A. Bismonte	\$600 per hour	651.90	\$391,140.00
Ronald C. Finley	\$600 per hour	114.30	\$68,580.00
Joseph A. Greco	\$540 per hour	77.00	\$41,580.00
Jeremy M. Duggan	\$500 per hour	136.90	\$68,450.00
Total:		980.10	\$569,750.00

27 The rates that my firm has charged are supported as reasonable based upon survey information of  
 28 rates charged in similarly situated complex litigation.



**Attestation**

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As the attorney e-filing this document, pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that Alfredo Bismonte has concurred in this filing.

DATED: June 18, 2018

MEDINA McKELVEY LLP

By: /s/ Alexander M. Medina  
Alexander M. Medina  
Attorneys for Plaintiffs on their behalf  
and others similarly situated



# Exhibit 1





## Alfredo A. Bismonte

**Beck, Bismonte & Finley LLP**  
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10<sup>th</sup> Floor  
San Jose, California 95113

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Alfredo Bismonte has always viewed the practice of law as a problem solving effort. As an experienced litigator, he uses his training and skills to evaluate, counsel and successfully address client matters as efficiently and effectively as possible. By way of example, he was lead counsel for a successful defendant in the patent case most quickly disposed of by judgment on the merits in the Northern District of California.

His law practice is focused in the areas of business litigation including intellectual property, patent litigation, commercial litigation, insurance coverage and real estate disputes. He has performed services for clients in such technical areas as medical devices, sport product patents, wafer bumping, trade secret and computer input devices.

As a former associate at Heller Ehrman's Los Angeles office, he handled complex commercial litigation matters and was the first lawyer that office ever sponsored to be an acting Assistant District Attorney where he developed substantial jury trial experience. He spent a few years in Hong Kong after marrying a flight attendant based there where he worked as a contract attorney while developing real estate in the Philippines.

Alfredo loves traveling and is active in youth activities including being a leader of his local Boy Scouts of America unit. Born in the Philippines, he is fluent in Tagalog.

- BAR MEMBERSHIP**
- State Bar of California
  - Supreme Court of the United States
  - Supreme Court of California
  - U.S. Circuit Courts of Appeals for the Ninth and Federal Circuits
  - Northern District of California
  - Southern District of California
  - Central District of California
  - Eastern District of California
- LEGAL EDUCATION**
- **University of Michigan Law School**, Ann Arbor, Michigan, J.D. cum laude, May 1988. (Admitted to California and Federal Bars 1988, United States Supreme Court Bar 1997).
- UNDERGRADUATE EDUCATION**
- **Northwestern University**, Evanston, Illinois. B.A. in Economics and Certificate in Asian Studies, June 1985.
- LEGAL EXPERIENCE**
- **Beck, Bismonte & Finley, LLP**, San Jose, California 2006 (Partner)
  - **Mount & Stoelker, P.C.**, San Jose, California 1998-2006 (Partner as of 2001)
  - **Gorman & Miller**, San Jose, California 1996–1998 (Associate)
  - **Heller, Ehrman, White and McAuliffe**, Los Angeles, California 1991–1993 (Associate)
  - **Farella, Braun & Martel**, San Francisco, California 1988–1991 (Associate)
- REPRESENTATIVE CASES**
- Big Bang v. Playhut (E.D.Va.)  
Represented defendants in watersport patent and trade dress litigation in Virginia’s “Rocket Docket”. Obtained insurance coverage to fund defense and settlement
- IMPRO Licensing v. Lite-On Tech., Corp. (N.D. of Cal. and Cal. State Court)  
Successfully acted to dismiss Federal Court case, then halted State Court case in favor of Taiwan lawsuit.
- Radiation Stabilization Solutions LLC v. Varian Medical Systems Inc. (N.D. of Ill.)  
Represented medical device company against a non-practicing entity in a case filed immediately after effective date of American Invents Act.
- American Video Graphics. v. Hewlett-Packard, et al. (E.D. Tex.)  
Represented defendant in consortium defense against patent company controlled by plaintiff counsel in the Eastern District of Texas.
- Logitech, Inc. v. KYE Systems Corp. (E.D. Tex.)  
Represented defendant in litigation of patent infringement claims involving computer mouse design and technology.
- Borgatis v. Woodtel, Inc. (D. Colo.)

Represented Defendant in patent litigation covering telephone systems technology.

Amphenol Corp. v. Maxconn (N.D. Cal., Fed. Circuit, US Supreme Ct)

Represented defendant in LED and connector patent litigation.

Inpro licensing v. Lite-On (N.D. Cal.)

Represented technology company in a patent licensing dispute.

Wang Laboratories v. Ma Labs, Inc. (N.D. Cal.)

Represented computer hardware manufacturer in computer systems packaging patent infringement case.

Sunonwealth v. Adda Corporation, et al (C.D. Cal.)

Represented defendants in litigation of patent infringement claims involving miniature electronic motors and heat sinks.

Integrated Circuit Systems v. Realtek Semiconductor Co. (N.D. Cal.)

Represented defendant in patent infringement suit brought by ICS relating to integrated circuit design and control circuitry.

Wham-O v. Sport Dimension, Inc. (N.D. Cal.)

Represented defendant (D.B.A. BodyGlove, LL.C.) in patent infringement action related to surfboard design.

Microlife v. Actherm, (N.D. Cal.)

Represented defendant in patent litigation related to medical devices.

Nova Measuring v. Nanometrics Incorporated. (N.D.Cal.)

Represented defendant in action brought by Nova related to wafer processing and metrology.

Test Coach Corp. v. Testing House Inc. (N.D. Ill.)

Represented defendant in a patent infringement lawsuit on LED testing products.

Lifetime, LLC v. NorthPole Products, Inc. (N.D. Cal.)

Represented defendant in patent infringement case dealing with plastic injection technology.

Sport Dimension v. Yeh, (N.D. Cal.)

Represented plaintiff (D.B.A. BodyGlove, LLC) in declaratory relief case accused of patent infringement of a sport product patent.

SanDisk Corp. v. Phison Electronics, Corp. (W.D. Wisc.)

Represented two of the named defendants in a patent case dealing with flash memory technology.

Rowe Int'l Corp. v. Ecast, Inc. (N.D. Ill.)

Represented Defendants in patent case involving downloading digital data and the combination of related elements.



## Ronald Craig Finley

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A vigorous and effective litigator, Ron specializes in complex commercial civil litigation. He has handled cases in the trial and appellate courts, both state and federal in the areas of intellectual property, commercial litigation, real estate disputes and contract law.

Ron's clients include corporations both in the U.S. and Asia. Ron travels widely in the U.S. and internationally counseling clients and has lectured at the Patent Office of the People's Republic of China (SIPO) in Beijing.

Ron's patent litigation experience spans the semiconductor device and manufacturing equipment industries, including integrated circuits (Flash Memory, EEPROM, LED, and silicon wafer processing and metrology) -- as well as the medical device field.

In trade secret disputes, Ron has successfully resolved disputes concerning misappropriated technology and other confidential information, including obtaining temporary restraining orders to protect key technologies for clients.

He earned a Bachelor of Science degree from Brandon University in 1983, a Bachelor of Arts from University of Franche-Comté in 1984, a Bachelor of Education from Brandon University in 1985, and his law degree from McGill University in 1998.

Ron was born in Canada, lived in Montreal and France, and speaks French fluently. His interests include motorcycles, playing ice hockey and surfing.

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**BAR MEMBERSHIP/  
ADMITTED TO  
PRACTICE**

- State Bar of California
- San Francisco Bay Area Intellectual Property Inn of Court (Barrister)
- U.S. Circuit Courts of Appeals for the Ninth and Federal Circuits
- Supreme Court of the United States
- Supreme Court of California
- Northern District of California
- Southern District of California
- Central District of California
- Eastern District of California

**LEGAL EDUCATION**

**McGill University Law School**, Montreal Canada, (LLB, 1998)

**UNDERGRADUATE  
EDUCATION**

**Brandon University, Brandon Canada** (B.Sc. 1983, B.Ed. 1985)

**Université de Franche-Comté**, (D.E.U.G. 1984)

**LEGAL  
EXPERIENCE**

**Beck, Bismonte & Finley, LLP**, San Jose, California 2006 (Partner)

**Mount & Stoelker, P.C.**, San Jose, California 1999 – 2006 (Partner Since 2003)

**RELEVANT  
NON-LEGAL  
EXPERIENCE**

**Long Beach Unified School District**, Long Beach, California 1986 – 1987  
High School Science Teacher - Department Head

**REPRESENTATIVE  
CASES**

American Video Graphics. v. Hewlett-Packard, et al. (E.D. Tex.)

Represented defendant in consortium defense against patent company controlled by plaintiff counsel in the Eastern District of Texas.

Logitech, Inc. v. KYE Systems Corp. (E.D. Tex.)

Represented defendant in litigation of patent infringement claims involving computer mouse design and technology.

Sunonwealth v. Adda Corporation, et al (C.D. Cal.)

Represented defendants in litigation of patent infringement claims involving miniature electronic motors and heat sinks.

Integrated Circuit Systems v. Realtek Semiconductor Co. (N.D. Cal.)

Represented defendant in patent infringement suit brought by ICS relating to integrated circuit design and control circuitry.

Big Bang v. Playhut (E.D. Va.)

Represented defendants in watersport patent and trade dress litigation in Virginia's "Rocket Docket". Obtained insurance coverage to fund defense and settlement.

Sandisk Corporation v. Memorex Products, Inc., et al. (N.D. Cal.)

Represented C-One Corporation in patent infringement action brought by SanDisk against defendants in the US District Court for the Northern District of California involving flash memory design and control circuitry.

Lexar v. Pretec et al. (N.D. Cal.)

Represented defendant in a multi-patent infringement action brought by Lexar against defendants in the US District Court for the Northern District of California involving flash memory design and control circuitry.

Test Coach Corp. v. Testing House Inc. (N.D. Ill.)

Represented defendant in a patent infringement lawsuit on LED testing products.

Wham-O v. Sport Dimension, Inc. (N.D. Cal.)

Represented defendant (D.B.A. BodyGlove, LL.C.) in patent infringement action related to surfboard design.

Microlife v. Actherm, (N.D. Cal.)

Represented defendant in patent litigation related to medical devices.

Nova Measuring v. Nanometrics Incorporated. (N.D. Cal.)

Represented defendant in action brought by Nova related to wafer processing and metrology.

Nanometrics Incorporated v. Nova Measuring. (N.D. Cal.)

Represented plaintiff in multi-patent action brought by Nanometrics related to method for broad wavelength scatterometry and measurement of diffracting structures.

Nanometrics Incorporated v. Nova Measuring. (N.D. Cal.)

Represented plaintiff in action brought by Nanometrics related to spectrophotometry.

SanDisk Corp. v. Phison Electronics, Corp. (W.D. Wisc.)

Represented two of the named defendants in a patent case dealing with flash memory technology.

Rowe Int'l Corp. v. Ecast, Inc. (N.D. Ill.)

Represented Defendants in patent case involving downloading digital data and the combination of related elements.

Primax Electronics Ltd. v. KYE Systems America Corp. (C.D. Cal.)

Represented defendant in patent litigation related to scrolling mice.

KLA-Tencor Corporation v. Nanometrics Incorporated. (N.D. Cal.)

Represented defendant in multi-patent action.



## Joseph A. Greco

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Joe Greco has practiced intellectual property and business law in Silicon Valley since graduating from Stanford Law School in 1982. Joe specializes in litigating and advising clients in patent, trade secrets, copyright, trademark and complex business matters. He has represented large and small companies in diverse industries, including semiconductors, software, radiology, magnetic media, and medical products.

Joe has extensive litigation, trial and appellate experience in federal and state courts in California; federal courts in Delaware, Texas, Illinois and Virginia; the International Trade Commission; the Federal Circuit Court of Appeals; and the Ninth Circuit Court of Appeals. Joe has earned an AV Preeminent® rating from Martindale-Hubbell®. In 2017 and in 11 prior years Thomson Reuters® has named him a Northern California Super Lawyer in Intellectual Property Litigation. Managing Intellectual Property named Joe as an IP Star in 2017.

Prior to joining Beck LLP, Joe formerly was a partner in Skjerven Morrill, a San Jose-based intellectual property law firm, and was a partner in Townsend and Townsend and Crew in Palo Alto.

**BAR MEMBERSHIP/  
ADMITTED TO  
PRACTICE**

- State Bar of California
- American Bar Association
- Santa Clara County Bar Association
- Federal Circuit Bar Association
- San Francisco Bay Area Intellectual Property Inn of Court
- Supreme Court of California
- Northern District of California
- Southern District of California
- Central District of California
- Eastern District of California
- Eastern District of Texas
- Eastern District of Michigan
- U.S. Circuit Courts of Appeals for the Ninth and Federal Circuits

**LEGAL EDUCATION**

**Stanford Law School**, (Juris Doctorate, 1982)

Honors: Order of the Coif

ASCAP Nathan Burkan Memorial Competition, First Prize  
(for writing in the field of intellectual property)

**UNDERGRADUATE  
EDUCATION**

**Dartmouth College**, (A.B., 1979)

Honors: Magna Cum Laude

Phi Beta Kappa

Rufus Choate Scholar

**LEGAL  
EXPERIENCE**

**Beck, Bismonte & Finley, LLP**, San Jose, CA 2010 (Counsel)

**Townsend and Townsend and Crew LLP**, Palo Alto, CA 2003 - 2010 (Partner 2006-2010; Special Counsel 2003-2005)

**Skjerven, Morrill, LLP**, San Jose, CA 2001-2003 (Of Counsel)

**Howard, Rice, Nemerovski, Canady, Falk & Rabkin**, Palo Alto, CA 1997-2001 (Director)

**Skjerven, Morrill, MacPherson, Franklin & Friel**, Santa Clara, CA 1986-1997 (Partner 1989-1997; Associate 1986-89 )

**Fenwick, Davis & West**, Palo Alto, CA 1982-1986 (Associate)

**REPRESENTATIVE  
CASES****Trademarks**

*StubHub, Inc. v. Goody Tickets LLC and Jeff Goodman*. Lead trial counsel for defendants in a multi-faceted trademark and contract action presently taking place in Northern District of California Federal Court in San Jose.

*InfoStream Group, Inc. v. Avid Life Media, Inc. et al.* Lead trial counsel for defendants, including a subsidiary called Arrangement Seekers, Inc., which ran a “dating” website using that name, in Central District of California Federal Court in Los Angeles. A competing “dating” site owning the trademark “Seeking



Arrangement” and a related website sued defendants for trademark infringement and other claims. Achieved an early settlement for defendants involving a slight name change and no payment of money to plaintiff.

*Sierra On-Line, Inc. v. Phoenix Software, Inc.* Lead appellate counsel for Sierra On-Line in defendant Phoenix Software’s appeal of preliminary injunction prohibiting defendant’s use of the trademark “Hi-Res Adventure.” The injunction was affirmed in a published opinion by the Ninth Circuit Court of Appeals (793 F.3d 1415 (9th Cir. 1984)).

*Tandy Corporation v. Silicon Shack, Ltd. et al.* Lead trial counsel for Tandy Corporation in a case against accused infringer of Tandy’s “Radio Shack” trademark. The defendant agreed to stop using the “Shack” mark after I cross-examined the defendant’s President on the third day of a bench trial in Northern District of California Federal Court in San Jose.

### **Other Intellectual Property Cases**

*Medical Innovative Technologies v. Interventional Technologies, Inc., et al.* Lead trial counsel for defendants Eli Lilly & Company and Advanced Cardiovascular Systems, Inc. in a case in which they were accused of breach of contract and misappropriation of trade secrets relating to a heart atherectomy catheter. Two-week jury trial in Northern District of California Federal Court in San Jose resulted in verdict for defendants on all claims in case.

*MicroStrategy, Inc. v. Business Objects Americas.* Successfully defended Business Objects Americas (subsequently acquired by SAP) against MicroStrategy’s allegations that Business Objects infringed three MicroStrategy patents related to business intelligence software. Argued claim construction and summary judgment motions before District of Delaware Federal Court, resulting in summary judgment of invalidity of two patents and summary judgment of noninfringement of the other patent (410 F. Supp. 2d 348 (D. Del. 2006)). The Federal Circuit Court of Appeals affirmed the judgment in all respects. Subsequently, the District Court ruled that the case was “exceptional” (555 F. Supp. 2d 475 (D. Del. 2008)) and entered an award of attorney fees and expenses of \$2.4 million against MicroStrategy (586 F. Supp. 2d 256 (D. Del. 2008)). Case settled on favorable terms during MicroStrategy’s subsequent appeal to the Federal Circuit, where I led the appellate team.

*Xilinx, Inc. v. Altera Corp. and related cases.* Represented Xilinx in a series of patent cases against Altera involving Field Programmable Gate Arrays and Programmable Logic Devices. Lead counsel in patent claim construction trial and summary judgment motions before Northern District of California Federal Court, in which we obtained summary judgment of Altera’s infringement case and allowed Xilinx’s case to proceed to jury trial. Member of trial team that resulted in jury verdict for Xilinx. Led Xilinx trial team in subsequent International Trade Commission proceeding. Parties reached global settlement before ITC decision.

*Oracle Corporation and Oracle U.S.A., Inc. v. Parallel Networks, LLC* Represented Oracle in action for declaratory judgment that Oracle’s middleware and database products do not infringe any valid and enforceable claim of Parallel

Networks' patents relating to dynamic web pages. The District of Delaware Federal Court granted summary judgment of noninfringement on all claims asserted by Parallel Networks and entered a final judgment in favor of Oracle. The Federal Circuit reversed the summary judgment and remanded the case to the District Court. Case settled on favorable terms.

*Martin v. Marvlee, Inc.* Lead counsel for Rod Martin, an inventor of a grooved foam football, in patent case against infringing toy company in Northern District of California Federal Court in San Jose. Obtained \$1.25 million judgment against defendant Marvlee after writing, arguing and winning summary judgment motions on liability issues.

*Magnetic Media Development LLC v. Komag, Inc.* Lead counsel for Komag in patent infringement adversary proceeding in Northern District of California Federal Bankruptcy Court. Obtained settlement agreement for less than 10% of claim asserted, allowing Komag to have its Plan of Reorganization confirmed by court.

*Lily Wong's Unlimited, dba Tiger Lily v. Pier 1 Imports.* Lead counsel for plaintiff Tiger Lily in copyright infringement case in Northern District of California Federal Court in San Francisco, which involved wooden sculptures imported from Bali. Obtained substantial cash settlement payment from Pier 1.

*Dakin, Inc. v. United Features Syndicate.* Lead counsel for Dakin in copyright licensing dispute in Northern District of California Federal Court in San Francisco, which involved "Garfield" cartoon character. Case settled on favorable terms.

#### **Other Business Cases**

*Pecaflor v. Landes.* Obtained writ of mandate for plaintiff from California First District Court of Appeal, directing San Mateo County Superior Court to grant summary judgment entering Canadian default judgment for execution in California.

*Taylor v. Berman Steel Co. et al.* Wrote and argued successful summary judgment motion in Santa Cruz County Superior Court, resulting in dismissal of a third-party fraud cross-complaint against my client in an action involving the sale of electrical switching machinery.

*Carrico v. 530 Scott Company.* Lead counsel for plaintiff general partners in a dispute over a real estate limited partnership agreement in San Francisco County Superior Court. After an eight-day bench trial, the judge ruled in favor of my clients. I handled the briefing and oral argument in the First District Court of Appeal, which affirmed the judgment.

*In re 22<sup>nd</sup> Floor, Ltd. and related actions.* Lead counsel for shareholders in a California Corporations Code Section 2000 valuation trial before a special master, resulting in favorable valuation for my clients. Lead counsel in San Francisco County Superior Court unlawful detainer trial against dissenting shareholder who refused to pay rent or vacate premises, resulting in judgment for eviction and past rent owing. Obtained dismissal of related San Francisco County Superior Court action concerning governance of the corporation. I handled the briefing and oral

argument in the First District Court of Appeal, which affirmed the judgment.

*Bank of America v. Scanlon.* Lead counsel for defendant in three-day jury trial in Marin County Superior Court, resulting in a jury verdict that defendant was not liable on disputed promissory note to Bank of America.

*Lewis v. Technology Finance Group, Inc.* Lead counsel for plaintiff in breach of employment contract case in Northern District of California Federal Court in San Francisco. After a bench trial, the judge awarded my client the full amount of damages requested and attorney fees.

*Finck v. Ord.* Lead counsel for plaintiff in six-day American Arbitration Association arbitration over the dissolution of a law partnership. Obtained favorable money judgment for plaintiff in addition to dissolution.

END



## Jeremy M. Duggan

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A skillful and determined litigator, Jeremy Duggan concentrates on the intellectual property and business fields. He has achieved beneficial results for clients in contract, trademark, and copyright issues and successfully litigated patent matters spanning a wide variety of technologies from semiconductors to surfboards.

Jeremy graduated Pomona College in 1999 with a Bachelor of Arts in molecular biology. He received his Juris Doctor in 2003 from Columbia University School of Law, where he was appointed Managing Editor of the Columbia Law Review.

In his free time, Jeremy enjoys playing soccer, travel, and barbequed food.

BAR MEMBERSHIP/  
ADMITTED TO  
PRACTICE

- State Bar of California (2004)
- Northern District of California
- Southern District of California
- Eastern District of California
- Court of Appeals for the Federal Circuit
- United States Patent and Trademark Office

LEGAL EDUCATION

**Columbia University School of Law**, New York, NY (J.D. 2003)  
Activities: *Columbia Law Review* - Managing Editor  
Golden Gate University – Patent Litigation Course  
Society for Law, Science and Technology  
Honors: Stone Scholar

UNDERGRADUATE  
EDUCATION

**Pomona College**, Claremont, CA (B.A. 1999)  
Major: Molecular Biology

LEGAL EXPERIENCE

**Beck, Bismonte & Finley, LLP**, San Jose, California 2006 (Associate)  
**Mount & Stoelker, P.C.**, San Jose, California 2004-2006 (Associate)  
**Alpha Innotech**, San Leandro, California 2002 (Summer Intern)

PUBLICATIONS

Justin Beck, Alfredo Bismonte, and Jeremy Duggan, *Courts Burden Patentees with Sticking to Language of Claim*, S.F. Daily Journal, Dec. 9, 2005.

REPRESENTATIVE  
CASES

Wham-O v. Sport Dimension, Inc. (N.D.Cal.)  
Represented defendant (D.B.A. BodyGlove, LL.C.) in patent infringement action related to surfboard design.

Microlife v. Actherm (N.D. Cal.)  
Represented defendant in patent litigation related to medical devices.

Nova Measuring v. Nanometrics Incorporated (N.D.Cal.)  
Represented defendant in action brought by Nova related to wafer processing and metrology.

Nanometrics Incorporated v. Nova Measuring (N.D.Cal.)  
Represented plaintiff in multi-patent action brought by Nanometrics related to method for broad wavelength scatterometry and measurement of diffracting structures.

Test Coach Corp. v. Testing House Inc. (N.D. Ill.)  
Represented defendant in a patent infringement lawsuit on LED testing products.

Rowe Int'l Corp. v. Ecast, Inc. (N.D. Ill.)  
Represented Defendants in patent case involving downloading digital data and the combination of related elements.

# Exhibit 2

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Cathay Pacific

Page: 1  
05/18/2018Account No: 1516-001  
Invoice No: 21088

Cathay Pacific

Advances

10/26/2016	Filing fee	400.00
11/14/2016	UPS to Judge	22.64
01/24/2017	UPS to client.	22.67
01/27/2017	UPS to Judge Wilken.	24.08
02/01/2017	Outside tax professional fee - Williams & Associates Invoice.	812.50
02/27/2017	Courier service to Northern District Court Oakland.	110.51
03/02/2017	UPS to Judge Wilken.	24.31
04/04/2017	Mileage to/from Oakland for hearing.	46.62
05/02/2017	Transcription fees - Diane Skillman Official Court Reporter USDC.	154.70
06/06/2017	UPS to Judge Wilken.	24.20
06/30/2017	UPS to Judge Wilken.	24.02
07/12/2017	Outside professional fee - JAMS.	1,495.30
08/09/2017	Mileage to/from Mediation in San Francisco for AAB.	58.83
08/09/2017	Travel cost - parking in SF for mediation for AAB.	17.00
08/09/2017	Travel Cost -Transportation to and from Southern California to SF Mediation for Connie Lai.	165.50
08/09/2017	Travel cost - Transportation to SF Mediation for Ron Finley.	38.30
05/02/2018	Mileage to/from Oakland for hearing.	46.62
	Total Advances	3,487.80
	Total Current Work	3,487.80
	Balance Due	<u>\$3,487.80</u>