



Daniel J. Bergeson

Partner

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PRACTICE AREAS

Securities Litigation

Intellectual Property Litigation

Business Litigation

Investigations & White Collar Defense

Venture Capital & Private Equity

EDUCATION

Stanford University Graduate School of Business – EPGC (2012);

University of Michigan (J.D., 1982);

The Honors College at Michigan State University (B.A., 1978, *summa cum laude*, *Phi Beta Kappa*)

PROFESSIONAL INVOLVEMENT

Association of Business Trial Lawyers Northern California Chapter – President of Board of Governors, 2019; Co-Chair of 2015 Annual Seminar; Co-Chair of Programs Committee, 2013-14.

American Bar Foundation - Fellow.

Litigation Counsel of America Trial Lawyer Honor Society – Fellow.

National Institute for Trial Advocacy – Faculty Member for Deposition and Trial Advocacy Programs.

U.S. District Court, Northern District of California – Mediation Panel Member, 1998-present.

U.S. District Court for the Northern District – Alternative Dispute Resolution Program Member.

Northern District Court Historical Society – Board of Directors.

Ninth Judicial Circuit Historical Society - Advisory Counsel.

Ascolta Ventures, LLC – Co-Founder.

ASI Capital, LLC – Co-Founder.

DOOR – Board of Advisors.

University of Michigan Law – Development and Alumni Relations Committee Member.

CLERKSHIPS

Law Clerk to Hon. Samuel Conti, U.S. District Court Judge, Northern District of California, 1983-1984

BAR ADMISSIONS

California;

District of Columbia;

New York;

Utah;

United States District Court, Northern, Central, Eastern, and Southern Districts of California,
Southern District of New York, and Utah;

United States Court of Appeal, Ninth Circuit;

United States Supreme Court



Daniel J. Bergeson



Litigation - Securities
San Jose, California

SUMMARY

When a company or its leaders are at risk, founding partner Daniel J. Bergeson uses his substantial litigation and trial experience to advocate for their rights and reputations in lawsuits involving securities, intellectual property, employment, private equity and venture capital, and commercial law. He focuses on the essential facts to persuade juries, judges, and triers of cases in state and federal courts and arbitration forums in Silicon Valley, Delaware, New York, and other dispute resolution venues nationwide.

Daniel brings more than 35 years of business trial experience to bear in the most contentious and prominent business litigation disputes and investigations. His clients have ranged from Fortune 500 companies to start-ups facing bet-the-company threats. In addition, he has protected the rights of several Silicon Valley entrepreneurs and executives in state and federal courts throughout the nation as well as in state and federal regulatory and investigative matters.

Daniel has served as an expert witness in breach of fiduciary duty, employment, and corporate governance matters.

Silicon Valley Trial Lawyer

Daniel is immersed in Silicon Valley's unique business, venture capital, and tech ecosystem. He represents companies, founders, entrepreneurs, C-level executives, directors, and special committees in high-stakes litigation and investigations. He has achieved favorable settlements and trial outcomes in sophisticated disputes related to a range of claims, including, among others:

- Breach of contract
- Breach of fiduciary duty
- Corporate governance
- Defamation
- Fraud

- Government Investigations
- Mergers + Acquisitions
- Patent infringement
- Shareholder actions
- Trade secrets
- Venture Capital & Private Equity

Recognition

Daniel was named “2020 San Jose Lawyer of the Year for Litigation – Securities” by *Best Lawyers* for his extensive experience defending companies, directors, and officers in securities claims ranges from preindictment SEC investigations to trials and appeals. He was named a 2019, 2020, 2021, 2022, 2023, and 2024 Litigation Star by Benchmark Litigation, 2023 Attorney of the Year in California by Top 100 Registry, and consistently receives recognition from *Best Lawyers in America*, *Northern California Super Lawyers*, *Elite Lawyer*, and America’s Top 100 High Stakes Litigators.® In addition, the American Institute of Trial Lawyers named Daniel Litigator of the Year 2023.

Leadership

As 2019 President of the Board of Governors of the Association of Business Trial Lawyers (ABTL), Northern California Chapter, Daniel helped increase constructive dialogue between the bench and bar and advance the profession. Mr. Bergeson is also a Fellow of the American Bar Foundation (ABF). The Fellows is a global honorary society of lawyers, judges, law faculty, and legal scholars who have demonstrated outstanding leadership in the profession and service to society.

Daniel founded Bergeson, LLP in 1990, following early career experience in large law firms. Daniel also co-founded two venture capital firms, Ascolta Ventures, LLC and ASI Capital, LLC. He also serves on the board of advisors of DOOR, a nonprofit focused on housing affordability, is an active alumnus of the University of Michigan Law School and serves on the Development and Alumni Relations Committee.

REPRESENTATIVE MATTERS

Securities Litigation

- *Logan Hessefort v. Super Micro Computer, Inc.*, USDC, NDCA Case No. 4:18-CV-00838JST Represented the President, CEO, and Chairman of the Board of Directors of Super Micro Computer, Inc. in a class action lawsuit alleging violations of Section 10(b) and 20(a) of the Exchange Act.
- *Stein v. Liang et al.*, USDC NDCA Case No. 4:21-CV-03357-JST and *Barry v. Liang et al.*,

Santa Clara County Superior Court Case No. 20CV372190

Represented the President, CEO and Chairman of the Board of Directors of Super Micro, Inc. in derivative lawsuits in the Northern District of California and Santa Clara County Superior Court.

- *Kerrigan Capital, LLC, et al v. David Strohm, et al.*, No. CIV 534431, San Mateo County Superior Court

The Firm represents several venture funds in a case filed on behalf of a proposed class of common shareholders of a company, alleging claims of breach of fiduciary duty and aiding and abetting breaches of fiduciary duty arising out of the company's financing rounds.

- *Kyung Cho et al. v. UCBH Holdings, Inc., et al.*, No. CV-09-42-8 JSW, United States District Court, Northern District of California

The Firm represented multiple officer defendants in a class action that alleged defendants issued false and misleading statements concerning UCBH's allowances and provisions for loan loss and falsely represented that UCBH's financial reporting controls were effective. We also represented individuals in related actions, including representation of a witness in an action filed by the Department of Justice.

- *Stephen Neville v. Maxwell Technologies, Inc.*, No. 37-2013-00075582-CU-WM-CTL, San Diego County Superior Court; and *In Re Maxwell Technologies, Inc. Derivative Litigation*, Lead Case No. 3:13-cv-00966 BEN-RBB, United States District Court, Southern District of California

The Firm represented nominal defendant Maxwell Technologies in derivative cases filed in state and federal court. Plaintiff alleged that defendants breached fiduciary duties by causing or failing to prevent accounting issues that led to a restatement.

- *VisionChina Media Inc., et al. v. Shareholder Representative Services, LLC, et al.*, No. 652390/2010, New York Supreme Court

Bergeson, LLP represented multiple companies in their efforts to ensure that a foreign company and its subsidiary complied with their contractual obligations to pay for their acquisition of a company.

- *Tyler v. Solaicx, et al.*, No. 11CV194167, Santa Clara County Superior Court

The Firm represented several defendants, including companies and individual director defendants, in a lawsuit arising from a preferred stock financing. Plaintiff claimed that Defendants unfairly diluted minority shareholder interests in the company in anticipation of a merger.

- *Baker v. Arkansas Blue Cross and Blue Shield, et al.*, No. CV 08-3974 SBA, United States District Court, Northern District of California

The Firm represented four entities in an action alleging breach of fiduciary duty, minority shareholder oppression and violation of California's Unfair Competition Law. The Court granted the Firm's motion to dismiss on behalf of its clients on the grounds that Plaintiffs lacked

standing to bring direct claims.

- *Baker v. Arkansas Blue Cross and Blue Shield, et al.*, No. 09-495457, San Francisco County Superior Court
The Firm represented four entities in an action alleging derivative claims for breach of fiduciary duties, minority shareholder oppression, and violation of California Business and Profession Code §17200, and a direct claim for breach of fiduciary duties.
- *Talieh v. Harrus, et al.*, No. 1-09-CV-153179, Santa Clara County Superior Court
The firm represented the nominal defendant company in a shareholder derivative action alleging breach of fiduciary duty.
- *Bucephalus Alternative Energy Group, LLC v. KCR Development*, No. 08 Civ. 7343, United States District Court, Southern District of New York
The Firm represented defendants in an action regarding a proposed investment in a company. The Court granted the Firm's motion to dismiss on behalf of defendants finding there was no personal jurisdiction.
- *In re Rambus Inc. Derivative Litigation*, No. C-06-3513 JF, United States District Court, Northern District of California; *In re Rambus Inc. Securities Litigation*, No. C-06-4346 JF, United States District Court, Northern District of California; *Kelley v. Rambus Inc., et al.*, No. C-07-01238 RMW, United States District Court, Northern District of California
The Firm represented a former officer of Rambus in shareholder suits concerning stock option practices.
- *In re Marvell Technology Group, Ltd. Derivative Litigation*, No. C-06-03894 RMW, United States District Court, Northern District of California; *In re Marvell Technology Group, Ltd. Securities Litigation* (Class Action), No. C-06-0626 RMW, United States District Court, Northern District of California
The Firm represented the former Chief Financial Officer of Marvell in shareholder suits concerning stock option practices.
- *In re Trident Microsystems, Inc. Derivative Litigation*, No. C-06-03440, United States District Court, Northern District of California; *Limke v. Lin, et al.*, No. 1-CV-07-080390, Santa Clara County Superior Court
The Firm represented an officer and former director of Trident Microsystems, Inc. in derivative shareholder suits concerning stock option practices.
- *Kohli v. Neocarta Ventures, L.P.*, No. 107CV092847, Santa Clara County Superior Court
The Firm represented seven venture funds in a lawsuit alleging causes of action for breach of fiduciary duty, fraud, and negligent misrepresentation.
- *In re MIPS Technologies, Inc. Derivative Litigation*, No. C 06-06699 RMW, United States District Court, Northern District of California
The Firm represented the former Vice President of Human Resources in a derivative

shareholder suit concerning stock option practices.

- *Barnes v. Daley*, No. 1-09-CV158534, Santa Clara County Superior Court
The Firm represented defendant, a former outside director, in an action alleging negligence, breach of fiduciary duty, fraud, and unfair business practices.
- *In re Integrated Silicon Solutions, Inc.*, No. 1:06-CV-074031, Santa Clara County Superior Court

The Firm represented a former Director of Integrated Silicon Solutions, Inc. in a derivative shareholder action concerning stock option practices.

- *Scognamillo, et al. v. Credit Suisse First Boston LLC, et al.*, No. C03-02061 (TEH), United States District Court, Northern District of California. Reported decision: 2005 U.S. Dist. LEXIS 20221 (N.D. Cal. Aug. 25, 2005)
This case involved allegations of stock price manipulation by investment bankers in connection with an Initial Public Offering. The Firm represented the former Chief Financial Officer of Netcentives, Inc. whose stock is alleged to have been manipulated. The Court granted the motion to dismiss filed by Bergeson, LLP, dismissing the action with prejudice against the former CFO of Netcentives. The Ninth Circuit affirmed the decision of the District Court.
- *In re Peregrine Systems, Inc. Securities Litigation*, Case No. 02-CV-0870 BEN (RBB), United States District Court, Southern District of California
The Firm represented the former CEO of Peregrine Systems, Inc. in a shareholder class action in federal district court and related securities actions in state court.
- *Glidden, et al. v. SkillSoft PLC (fka SmartForce PLC), et al.*, No. C-04-4913-CRB, United States District Court, Northern District of California
The Firm represented SkillSoft PLC (fka SmartForce PLC) and two of its officers in an action arising out of the merger of IC Global Corporation with SmartForce PLC. Plaintiffs alleged fraud and negligent misrepresentation claims.
- *In re Cylink Securities Litigation*, Master File No. C-98-04292 (VRW), United States District Court, Northern District of California. Decision reported: 274 F. Supp. 2d 1109 (N.D. Cal. 2003)
The Firm represented the Company's former Vice President of Sales and Marketing. Plaintiffs alleged that the defendants, Cylink Corporation and various officers and directors, violated Section 10(b) of the Exchange Act and Rule 10(b)(5). Plaintiffs further alleged the individual defendants violated Section 20(a) of the Exchange Act. Plaintiffs contended that during the relevant period, defendants caused Cylink to publicly materially overstate revenues as a result of reckless and improper revenue recognition practices.
- *United States of America v. Frank Quattrone*, No. 03CR582 (RO), United States District Court, Southern District of New York
The Firm represented a testifying witness called to testify during the trial of Frank P. Quattrone on charges of obstruction and witness tampering related to a U.S. Securities and Exchange Commission investigation of Credit Suisse First Boston LLC and its allocation of shares in IPOs it underwrote.

- FINRA award: Co-counsel on behalf of claimant in FINRA action in which an arbitration panel entered an award requiring respondent to buy back at par Student Loan Auction Rate Securities purchased by claimant through respondent. Claimant held \$55.2 million par value in Student Loan Auction Rate Securities purchased from respondent.
- *United States of America v. Frank Quattrone* Case No. 03CR582 (RO), United States District Court for the Southern District of New York
The firm represented a testifying witness called during the trial of Frank P. Quattrone on charges of obstruction and witness tampering related to a U.S. Securities and Exchange Commission investigation of Credit Suisse First Boston LLC and its allocation of shares in IPOs it underwrote.
- *In re InaCom Corporation Securities Litigation*, Master File No. 00-701 (JJF) United States District Court for the District of Delaware
The firm represented the former Chairman of the Board of InaCom in this security class action filed in the United States District Court for the District of Delaware. Plaintiffs alleged violations of Sections 11, 12(a)(2), and 15 of the Securities Act, and Sections 10(b), 20(a) and 14(a) of the Exchange Act, and Section 10(b) of the Exchange Act. The gravamen of the Consolidated Amended Complaint was that defendants concealed from the investing public that InaCom was experiencing financial and operating difficulties which were adversely impacting InaCom's revenue and profits, as well as its relationships with clients and customers.
- *In re S3 Securities Litigation*, Master File No. CV770003, Santa Clara County Superior Court
The firm represented S3's former Chief Financial Officer, George Hervey. The plaintiffs alleged violations of California Corporations Code sections 25400 and 25500 against S3 – a manufacturer of graphic accelerator computer chips and related software – and 11 of its officers and directors, as well as its former auditors.
- *Gaylinn v. 3Com Corporation, et al.*, Master File No. C99-2185-MMC (United States District Court for the Northern District of California)
The firm served as local counsel for the Chicago law firm of Sachnoff & Weaver, Ltd. in representing Casey G. Cowell, Vice Chairman of the Board and consultant to 3Com Corporation. Plaintiffs in this securities class action alleged violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5 against 3Com Corporation and certain of its officers and directors. Plaintiffs' Consolidated Second Amended Complaint, the operative complaint in the case, alleged that 3Com's officers and directors made material misrepresentations with regard to 3Com's Enterprise Systems Products (including its CoreBuilder 7000 switch and CoreBuilder 9000 switch), inventory controls and business model in order to artificially inflate the company's stock and engage in insider trading. Having granted an earlier motion to dismiss with leave to amend, United States District Judge Maxine Chesney granted the defendants' motion to dismiss the Second Amended Complaint without leave to amend and with prejudice.
- *In re YES! Entertainment Corporation Securities Litigation*, 1998 WL 667863, Case No. C97-1388-CRB (N.D. Cal. 1998). *Miller v. YES! Entertainment, et al.*, Case No. V-0136747, Alameda County Superior Court.

Wang v. YES! Entertainment, et al., Case No. V-13287-9, Alameda County Superior Court. In these actions, the firm was lead defense counsel with Wilson, Sonsini, Goodrich & Rosati, and represented all of the YES! defendants. The firm filed four successful demurrers to the state court complaints, and a successful motion to dismiss to the federal complaint, after which the firm was able to achieve a favorable settlement of all three cases for a total amount of \$2.25 million. This settlement was reached before any substantive discovery could be taken. Potential damages in the case exceeded \$60 million.

- *In re Seagate Technology II Securities Litigation*, 98 F.3d 1346 (9th Cir. 1996); 1996 U.S. App. LEXIS 38601. *In re Seagate Technology II Securities Litigation*, [1995] Fed. Sec. L. Rep. (CCH) 98,530 (N.D. Cal. 1995); 1995 U.S. Dist. LEXIS 2052. *In re Seagate Technology II Securities Litigation*, [1990] Fed. Sec. L. Rep. (CCH) 95,427 (N.D. Cal. 1990); 1990 U.S. Dist. LEXIS 14056. *In re Seagate Technology II Securities Litigation*, [1989] Fed. Sec. L. Rep. (CCH) 94,502 (United States District Court for the Northern District of California 1989); 1989 U.S. Dist. LEXIS 10466

The firm was co-counsel with Wilson, Sonsini, Goodrich & Rosati, representing all of the Seagate defendants. The firm's attorneys had extensive involvement in the preliminary motions and discovery process throughout the case. In addition to authoring successful motions to dismiss portions of the complaint at the pleading stage, the firm authored the final summary judgment motion which the District Court granted in favor of all of the Seagate defendants. The Ninth Circuit affirmed the District Court's summary judgment on the basis of appellate briefing which the firm played the leading role in preparing.

- *In re Worlds of Wonder Securities Litigation*, Case Nos. 93-15321, 93-15535, United States Court of Appeals, Ninth Circuit. Decision reported: 35 F.3d 1407 (9th Cir. 1994), 694 F. Supp. 1427 (N.D. Cal. 1988)

The Firm was co-counsel with Wilson, Sonsini, Goodrich & Rosati and represented the Company's former CEO, CFO and President. The Firm successfully obtained summary judgment for the directors and officers at the District Court level on the basis of the "bespeaks caution" doctrine. The Ninth Circuit affirmed the lower court's decision. Prior to this case, the Ninth Circuit had not adopted the "bespeaks caution" doctrine.

- *Cohen, et al. v. Chang, et al.*, Case No. CV418937, San Mateo County Superior Court. The firm represented Wen-Chang Ko, one of the directors of Clarent Corporation, in this derivative action.

Intellectual Property

- *Unisense Fertilitex A/S v. Auxogyn, Inc.*, No. CV11-05065. United States District Court, Northern District of California (declaratory relief patent action)
The Firm represented defendants Auxogyn and Stanford University in a declaratory relief action filed by Unisense as to noninfringement, invalidity, and unenforceability of Auxogyn's '906 Patent. The Court granted defendants' motion to dismiss the complaint.
- *Guzik Technology Enterprises v. Western Digital Corporation et al.*, No. C11-03786 PSG, United States District Court, Northern District of California (patent infringement action involving

hard disk drive testers)

- *Realization Technologies v. Srivistav, et al.*, No. 113CV253554, Santa Clara County Superior Court (trade secrets and contract)
The Firm represented Realization in a misappropriation of trade secrets action that led to Realization obtaining a stipulated preliminary injunction.
- Represented prominent technology company in declaratory relief action and cross-claims for breach of contract and declaratory relief involving a dispute over the cancellation provisions of an agreement to provide IT services to a large financial institution.
- *Verigy US Inc. vs. Romi Mayder*, No. C07 04330, United States District Court, Northern District of California
The Firm obtained a temporary restraining order (2007 U.S. Dist. LEXIS 102774), preliminary injunction (2008 U.S. Dist. LEXIS 28315), and contempt citation for violation of the temporary restraining order (Order, May 22, 2008) against a former employee who started a competing company using Verigy technology; case settled on the eve of trial and Verigy obtained the IP at issue.
- *Rita Medical Systems, Inc. v. Resect Medical, Inc.*, No. C-05-03291 (WHA) (2007), United States District Court, Northern District of California (assignment of patent, trade secrets, false association)
The Bergeson team defeated the motion for preliminary injunction (2006 U.S. Dist. LEXIS 52366), obtained summary adjudication of several claims, including misappropriation of trade secrets and false association (2007 U.S. Dist. LEXIS 7810), and obtained case dispositive rulings on motions in limine, including exclusion of plaintiff's damages expert, exclusion of major portions of plaintiff's technical expert's report, and exclusion of plaintiff's entire lost profits damages theory. The case settled on the eve of trial.
- *DVS, Inc. v. C2 Microsystems*, No. 1-06-CV-061760, Santa Clara County Superior Court
Following a two-week jury trial, the Santa Clara County Superior Court granted C2 Microsystems, Inc.'s motion for nonsuit. The case concerned allegations of intentional misrepresentation relating to an IP licensing agreement. DVS, Inc., the licensor, brought suit against C2 Microsystems, Inc. (the licensee) and Edmund Sun (the former CEO of both companies). DVS alleged that Mr. Sun made misrepresentations on behalf of C2 Microsystems regarding the value of the licensed technology, and sought damages in excess of \$10 million. The Court found that, as a matter of law, DVS failed to meet its burden of showing that a majority of the DVS Board of Directors relied on any alleged misrepresentations by Mr. Sun. The Court also awarded C2 Microsystems, Inc. \$133,300 in attorneys' fees and costs for its successful defense of DVS's claim of breach of the covenant of good faith and fair dealing. The ruling was affirmed on appeal.

Business Litigation

- *Mircea Voskerician v. Mark Zuckerberg, et al.*, No. 1-14-CV264667, Santa Clara County Superior Court

Bergeson, LLP represented defendants Iconiq Capital and Divesh Makan, financial advisors to Mark Zuckerberg, in this litigation involving claims by Plaintiff that defendants defrauded him in connection with his assignment to an entity controlled by Mr. Zuckerberg of the right to purchase certain real property, in exchange for a \$1.7 million payment by Mr. Zuckerberg.

- *Hulavision Inc. v. Ruloff Capital Corporation*, No. 1-12-222547, Santa Clara County Superior Court
Defendant Ruloff Capital Corporation (“Ruloff Capital”) entered into a Litigation Funding Agreement (“LFA”) with Plaintiff Hulavision, Inc. (“Hulavision”). Under the LFA, Ruloff Capital agreed to fund Hulavision’s case for theft of trade secrets against NBC Universal and Hulu LLC (the “NBC case”); in return, Hulavision assigned Ruloff Capital 50% of net proceeds from the NBC case. Ruloff Capital performed under the LFA for almost three years by making substantial payments to the lawyers prosecuting the NBC case for Hulavision. As trial in the NBC case approached, Hulavision brought a separate action against Ruloff Capital to rescind the LFA and keep for itself the 50% interest in the NBC case by claiming champerty, breach of contract, and fraud. In 2014, Bergeson, LLP represented Ruloff Capital in a six-week trial, where the Court found in Ruloff Capital’s favor by denying Hulavision’s rescission claim.
- *Global Equipment Services and Manufacturing, Inc. v. Nguyen*, No. 1-14-CV-260551, Santa Clara County Superior Court, and *Nguyen v. Global Equipment Services and Manufacturing, Inc.*, No. 1-14-CV-275044, Santa Clara County Superior Court
In 2015, Bergeson, LLP was retained to serve as lead trial counsel for Global Equipment Services and Manufacturing, Inc. (“GES”) and its CEO Don Tran in multiple cases set for trial with complex claims and cross-claims for fraud, breach of fiduciary duty, breach of stock purchase agreements, defamation, and indemnification related to alleged misconduct by a former executive involving dissemination of false financial information and creation of false accounting records. After leading expedited discovery involving more than a dozen depositions, and navigating multiple *ex parte* applications and motions involving consolidation, continuance, amendment of the pleadings, judgment on the pleadings, expedited discovery, expert discovery, and writs of attachment, among others, all cases were resolved successfully for GES and its CEO Don Tran.
- The Firm has represented a Fortune 50 technology company in several litigation matters including a matter against the company in federal district court alleging claims of RICO and fraud, and a matter opposing another technology company involving contract interpretation issues.
- The Firm represented an asset management company and two of its principals in an action filed against it in federal district court alleging claims of fraud, negligent misrepresentation, aiding and abetting fraud, and tortious interference.
- *Zurvan Mahamedi v. Lex Kosowsky*, Case No. 1-15-CV-278496, Santa Clara County Superior Court

The Firm represented a publicly traded company and its CEO in an action filed against them alleging claims of breach of fiduciary duty, unfair competition, negligence, concealment, conspiracy, and aiding and abetting. The Court sustained our clients' demurrer without leave to amend.

- *DVS, Inc. v. C2 Microsystems*, No. 1-06-CV-061760, Santa Clara County Superior Court
Following a two-week jury trial, the Santa Clara County Superior Court granted C2 Microsystems, Inc.'s motion for nonsuit. The case concerned allegations of intentional misrepresentation relating to an IP licensing agreement. DVS, Inc., the licensor, brought suit against C2 Microsystems, Inc. (the licensee) and Edmund Sun (the former CEO of both companies). DVS alleged that Mr. Sun made misrepresentations on behalf of C2 Microsystems regarding the value of the licensed technology and sought damages in excess of \$10 million. The Court found that, as a matter of law, DVS failed to meet its burden of showing that a majority of the DVS Board of Directors relied on any alleged misrepresentations by Mr. Sun. The Court also awarded C2 Microsystems, Inc. \$133,300 in attorneys' fees and costs for its successful defense of DVS's claim of breach of the covenant of good faith and fair dealing. The ruling was affirmed on appeal.
- *Lam Research Corporation v. Dallas Semiconductor Corporation and Maxim Integrated Products, Inc.*, No. 1-02-CV805045, Santa Clara County Superior Court
Lam Research supplied wafer fabrication equipment to the semiconductor industry. After ordering custom-made equipment from Lam, defendants denied the existence of a contract, and refused to accept delivery or pay. On behalf of Lam, Bergeson, LLP tried the case to a jury, which found in Lam's favor awarding \$11.4 million in contractual damages, plus more than \$2 million in prejudgment interest and costs. Defendants appealed, but the appellate court upheld the jury's verdict. Bergeson, LLP ultimately collected \$15.5 million for our client.
- *TRS Consultants, Inc. v. Rick Shi, et al.*, Case No. C-04-02171 JSW (2004), Northern District of California (copyright/trade secrets)
Obtained a temporary restraining order against an employee who started a competing company, taking with him the company's source code, client lists, business proposals, and other confidential and proprietary information, and improperly soliciting and hiring two former employees of his prior employer; case settled on extremely favorable terms, including the issuance of a stipulated injunction.