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About the Authors

KEITH R. HUMMEL is a partner in Cravath's Litigation Department. He has extensive experience litigating complex intellectual property matters, with a particular emphasis on patent and trade secret matters. Mr. Hummel handles matters for both plaintiffs and defendants in diverse fields, including telecommunications, medical devices, computer hardware and software, luxury flooring products, pharmaceuticals, and biotechnology.

Mr. Hummel represented Medinol Ltd. in a case alleging that Guidant Corporation was infringing Medinol's stent design patents. Mr. Hummel obtained summary judgment that Guidant's popular coronary stents infringed ten claims. Mr. Hummel was lead counsel in the subsequent jury trial on validity. Just before the jury's verdict was to be read, Guidant settled on monetary terms that are confidential.

Mr. Hummel tried a breach of contract case for Medinol against Boston Scientific Corporation. BSC settled after seven weeks of trial, paying Medinol \$750 million and surrendering its 20% stake in Medinol. The settlement preserved Medinol's right to arbitrate patent infringement claims against future BSC stents. Mr. Hummel acts as lead counsel in those private arbitrations.

Mr. Hummel represented IBM in an action brought by Compression Labs asserting that the JPEG still image compression standard infringed one of its patents. The case settled on favorable terms after the court ruled that the patent was limited to video compression.

Currently, Mr. Hummel is representing Qualcomm in several patent matters relating to telecommunications technology, including defending patent infringement claims brought by ITT Manufacturing relating to GPS technology, brought by Parkervision relating to the conversion of RF signals to baseband signals in wireless communications, and brought by PjL Logistics relating to fleet management systems, and also represents Qualcomm in a trade secrets matter. Mr. Hummel is representing INEOS Bio in a trade secrets case relating to processes for creating biofuels. Mr. Hummel coordinates and manages Medinol's worldwide patent litigation, including four cases currently active in Europe. Mr. Hummel also represents International Flavors & Fragrances in a patent case involving food additives. Mr. Hummel is representing

IBM in cases in which South African nationals are attempting to hold IBM accountable for apartheid under the Alien Tort Statute.

Mr. Hummel has handled numerous other significant intellectual property and commercial matters, including:

- Successfully represented IBM against claims that IBM's methods of manufacturing integrated circuits infringed patents held by Plasma Physics Corporation.
- Successfully represented Metroflor Corp. in a suit alleging infringement of patents on a novel floor plank system.
- Successfully represented Qualcomm in patent infringement matters against Broadcom.
- Successfully represented GlaxoSmithKline in its infringement case against Barr's generic form of Avodart®.
- Obtained a summary judgment dismissing claims brought by Commercial Data Servers alleging that IBM had monopolized alleged markets for computer hardware and granting IBM's counterclaim for copyright infringement.
- Played a principal role in obtaining, on the eve of trial, summary judgment in a billion-dollar class action securities case against IBM.
- Successfully represented Morgan Guaranty against fraud claims brought by Korean institutions in connection with the structuring of total return swap transactions involving foreign currencies.
- Acted as a principal member of the team that successfully represented Salomon Brothers in connection with several class action cases related to the treasury bond market.

Mr. Hummel also has extensive experience in handling matters under the Foreign Corrupt Practices Act. He successfully represented IBM in connection with a joint DOJ/SEC probe into alleged bribery of Argentine government officials.

Mr. Hummel was cited as being one of the country's leading practitioners in the intellectual property arena by *Chambers USA: America's Leading Lawyers for Business* from 2008 through 2011. Mr. Hummel's

general commercial and intellectual property work was highlighted by *Benchmark Litigation* in 2010. The publication also ranked him as a “Local Litigation Star” for the New York area. In 2011, Mr. Hummel was recognized by *Benchmark Litigation* as a “National Star” for his general commercial litigation work. Mr. Hummel was also recently recognized by *The Legal 500*, *The International Who’s Who of Patent Lawyers* and *IAM Patent Litigation 250: The World’s Leading Patent Litigators* for his patent work.

Mr. Hummel was born in Brooklyn, New York. He received a B.A. in Economics and English from the University of Notre Dame in 1987. Mr. Hummel graduated *magna cum laude* from Georgetown University Law Center in 1990, where he was the Senior Notes and Comments Editor of the *Georgetown Law Journal* and elected to the Order of the Coif. He currently serves on the Board of Visitors of Georgetown University Law Center. Mr. Hummel joined Cravath in 1990 and became a partner in 1998.

DARIN P. MCATEE is a partner in Cravath’s Litigation Department. He has handled a wide variety of litigation cases, including intellectual property, real estate, antitrust, insurance, employment, ERISA, securities, and contract matters.

Most recently, Mr. McAtee has represented Johnson & Johnson and Novartis in a licensing dispute that was tried to an arbitration panel in May 2010; Royal KPN in takeover litigation that was tried in September 2009 in Delaware; Novartis in various employment matters and in an appeal to the Second Circuit on a contract matter; Credit Suisse in subprime and Enron-related securities litigation; Par Pharmaceutical in a licensing dispute that was tried in December 2008; Dooney & Bourke in three trademark infringement matters; Qualcomm in various patent, contract, and antitrust matters; and Guess?, Inc. in a real estate contract dispute. Mr. McAtee is also the Engagement Partner for the firm’s participation in DuPont’s primary law firm network, and has represented DuPont in three securities matters, and also as a plaintiff in several insurance coverage disputes, ultimately collecting in excess of \$50 million for DuPont.

Earlier in his career, Mr. McAtee was part of a trial team which represented Bristol-Myers in an insurance coverage dispute against more than a dozen insurers, in which Bristol-Myers ultimately recovered in

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Mr. McAtee also works extensively with inMotion, a group that helps disadvantaged women find pro bono legal representation for a variety of family law matters, including child support and domestic violence cases. In 2000, Mr. McAtee won this organization's Commitment to Justice Award, and in 2009 he was elected to inMotion's Board of Directors. In 2007, Mr. McAtee handled a pro bono criminal matter where he conducted an eight-day evidentiary hearing with twenty-three witnesses; the court vacated the homicide conviction and awarded the client a new trial. In 2008, Mr. McAtee represented two Sudanese boys in their successful efforts to obtain asylum in the United States. Mr. McAtee was also recently appointed to the Board of Trustees of Lutheran Healthcare in Brooklyn, New York.

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About the Authors

Mr. Reynolds is a member of the Association of the Bar of the City of New York (Committee on Non-Profit Organizations, 1997–2000), Executive Vice Chair of the Board of Trustees of the Tenement Museum in Manhattan (Chair, Nominating and Governance Committee), and a Trustee of the Woodlawn Cemetery in the Bronx (Chair, Pension and Benefits Committee). From 1999–2008, he served on the Board of Proprietors of The Dartmouth, Inc. (Chair, Alumni Board).

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Mr. Reynolds joined Cravath in 1996 and became a partner in 2003.

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