

In order to focus skills and expertise, Proskauer's intellectual property lawyers are organized into the following practice groups: **Copyright; Entertainment, Media, Information & Technology; Non-Compete & Trade Secrets; Patent Law; Sports and Trademark & False Advertising.**

Proskauer Rose LLP's Patent Law Practice forms a significant part of the Firm's **Intellectual Property** Group. The practice is based in Proskauer's New York office. The practice includes patent and technology related litigation, patent counseling, licensing and technology transfer and patent procurement. For more information about this practice area, contact:

CHARLES GUTTMAN 212.969.3180 cguttman@proskauer.com

KENNETH RUBENSTEIN 212.969.3185 krubenstein@proskauer.com

JAMES H. SHALEK 212.969.3050 jshalek@proskauer.com

Proskauer Rose LLP's Patent Law Practice forms a significant part of the Firm's Intellectual Property Group. The practice is based in Proskauer's New York office. The practice includes patent- and technology- related litigation, patent counseling, licensing and technology transfer, and patent procurement.

The practice is led by Charles Guttman, a Ph.D. in Chemistry, Kenneth Rubenstein, a Ph.D. in Physics, and James Shalek, a nationally known litigator facile with electrical, chemical and biological technologies. The practice also includes three senior counsel, nine associates and three legal assistants. The practice works with a diverse group of industries, with special emphasis in consumer electronics, video processing, DVD and CD technology, circuit design, semiconductor processing technology, computer hardware and software, telecommunications, polymer adhesives, material science, pharmaceuticals, business methods and financial services.

The Patent Law Practice greatly benefits by being part of a full-service law firm having great depth and capabilities in relation to litigation. When we are involved in a patent litigation, we are able to work with a litigation department that has 135 attorneys with vast experience in trials and alternative dispute resolution. Today, many corporate clients prefer to staff their patent litigations with both patent attorneys and experienced commercial litigators, because of the diversity of perspective and experience brought to these cases. Similarly, when we are involved in a licensing or technology transfer transaction, we are able to gain the benefit and experience of a corporate department with over 124 attorneys. Likewise, when attorneys from the Corporate Department are involved in a corporate transaction, such as a merger or acquisition, we are often called upon to assess the value of a company's patent portfolio, and to assess risks to the transaction due to third-party patents.

Today, high-tech business success often depends on an organization's ability to protect and build its intellectual property. Accordingly, we will often call upon our Non-Compete and Trade Secrets practice attorneys for preventive planning measures, such as drafting confidentiality, non-compete, and other agreements. These attorneys also provide counseling on the hiring and firing of key employees possessing confidential technical information, and conduct litigation involving claims of employee raiding and theft of trade secrets.

Another important part of patent practice today is patent antitrust. This is currently an important topic for the Justice Department and the FTC. Very often, license and

technology transfer agreements are agreements among companies with competitive relationships. It is important to consider the transaction from the antitrust point of view. The Proskauer Patent Practice has worked on some of the most complex licensing arrangements ever undertaken in which substantial antitrust issues were raised and dealt with successfully.

The following are some types of patent issues that Proskauer's Patent Law Practice has handled:

Litigation

Some examples of litigation that Patent Law Practice has worked on:

- Representation of Columbia University, Motorola, Philips, Matsushita, Mitsubishi, France Telecom, and Japan Victor Corporation in a 26-patent lawsuit against Compaq for infringing patents related to MPEG technology.
- Representation of Alcatel in a major patent and trade secret litigation against Cisco related to telecommunications equipment.
- Defense of the National Securities Clearing Corporation in a lawsuit brought by Mopex related to a business method patent.
- Representation of System Management Arts (SMARTS) in a litigation against Avesta involving object-oriented software.
- Representation of Nova, a company in the field of semiconductor chip metrology, in a lawsuit against Sensys.
- Representation of Hauppauge Computer in a litigation against Advanced Interactive related to video cards for computers.
- Representation of Standard Microsystems in a litigation against Datapoint relating to LAN technology.
- Representation of Prince Sports Group in a litigation against Wilson Sporting Goods in a patent litigation related to tennis rackets.
- Representation of Schein Pharmaceutical and Ranbaxy Laboratories in a litigation against Glaxo-Wellcome relating to the drug Zantac®.
- Representation of Ohm Laboratories in a litigation against Richardson-Vicks relating to the drug Co-Advil®.
- Representation of Ranbaxy Laboratories in a litigation against Eli Lilly involving the drug Cefaclor.

- Representation of Ranbaxy Laboratories in a litigation against Bayer AG involving the drug Ciprofloxacin.
- Representation of Armkel, LLC in a patent infringement action against Pfizer, Inc. relating to kits for pregnancy testing.
- Defense of PSC Inc. in a patent infringement action brought by Metrologic Instructions alleging infringement of patents relating to bar code scanners.
- Defense of Vantico Inc. in a patent infringement action by DSM Desotech alleging infringement of three patents relating to stereo-lithography.
- Representation of Schein Pharmaceuticals and Marsam in Taxol litigation.

Licensing

We have worked on the formation of a pioneering patent pool for MPEG-2 technology, first on behalf of CableLabs, the research and development consortium of the cable TV industry, and now on behalf of MPEG LA LLC, an entity set up to license MPEG-2 essential patents. MPEG-2 is an important digital video compression standard with applications in cable TV, satellite TV and packaged media. We were instrumental in selecting those patents which are "essential" to the MPEG-2 standard and therefore suitable for inclusion in the pool. We worked with major consumer electronics companies and set top box makers in doing this job. Under this arrangement, the MPEG-2 "essential" patents of a number of major companies are being made available in a single license. The pool has been operational since July 1997 and now has over two hundred and fifty licensees. We are presently working with major consumer electronics and entertainment companies on patent pools relating to DVD technology. We have also been retained to apply this pioneering approach to licensing to the IEEE 1394 standard related to the Firewire system and to DVB-T (Digital Video Broadcast - Terrestrial).

Counseling and Patent Procurement

We counsel clients with respect to the validity and infringement of competitors' patents, and provide product clearance. We also have an active practice within the Patent Office involving the prosecution of patent applications, the filing of re-examinations and reissues, and the handling of patent interferences. Our clients include Corning, in the field of optical components; Standard Microsystems, an IC and Local Area Network component company; Skystream, in the field of digital video broadcast equipment; Solectron, in the field of PCMCIA cards memory; Madison CMP, in the field of semiconductor processing; and Vantico Inc., in the field of polymers and adhesives, as well as Paul Hartmann AG, in the field of consumer disposable products.

Business Method Patents

We are at the forefront of business method patents. We expect that patents relating to

business methods will become crucially important to our clients in the financial services industries in the next few years. We are representing two outstanding financial services companies, AIG and Brown Brothers Harriman, in connection with the procurement of patents relating to topics such as hedge fund structures, insurance products, e-commerce products and services, etc. We are also representing National Securities Clearing Corporation in a litigation involving a patent relating to Exchange-Traded Funds.

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Practice Areas:

Antitrust

Licensing / Computer Software

Copyright

Commercial Litigation

Intellectual Property & Computer

Regulatory / Fcc

Trademark & False Advertising

International

Israeli Companies

Japanese Companies

Pacific Rim

Entertainment, Media, Information & Technology

Internet Commerce

Licensing / General Commercial

Licensing / Entertainment

Regulatory / Ftc

Patent Law

Non-Compete & Trade Secrets

Education:

NEW YORK LAW SCHOOL, J.D., CUM LAUDE, 1983
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, PH.D.,

1979
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, B.S.,
1975

Bar Admissions: 1983 NEW YORK
1984 NEW JERSEY

Court Admissions: 1984 U.S. DISTRICT COURT, NEW JERSEY
1984 U.S. DISTRICT COURT, NEW YORK, EASTERN
DISTRICT
1984 U.S. DISTRICT COURT, NEW YORK, SOUTHERN
DISTRICT

Bar Affiliation: REGISTERED TO PRACTICE BEFORE THE UNITED
STATES PATENT AND TRADEMARK OFFICE, 1982

Biography:

Ken received his Ph.D. in physics from the Massachusetts Institute of Technology where he also graduated with a B.S. Degree.

Ken received his law degree, cum laude, from New York Law School. He is a registered patent attorney before the U.S. Patent & Trademark Office. Ken is a former member of the legal staff at Bell Laboratories. While there are numerous patent law groups at various firms, Ken and his group distinguish themselves from competitors by being able to deal with very sophisticated technology.

Ken and his group are currently undertaking a number of significant patent and high tech litigations. The group is representing Alcatel, one of the world's leading telecommunications equipment companies, in a major trade secret case against a competitor. The group is also representing Standard Microsystems in a litigation related to Fast Ethernet LANs, Hauppauge Computer in a litigation involving video cards for personal computers, and System Management Arts in a litigation involving object oriented software. The group has also been involved in patent litigation relating to semiconductor memories and service platforms for providing enhanced telecommunications services.

Ken has worked on the formation of a patent pool for MPEG-2 technology, first on behalf of CableLabs, the research and development consortium of the cable TV industry, and now on behalf of MPEG LA LLC, an entity set up to license MPEG-2 essential patents. In particular, Ken worked on selecting those patents which are "essential" to the MPEG-2 standard and therefore suitable for inclusion in the pool. He worked with major consumer electronics companies and set top makers in doing this job. Under this arrangement, the MPEG-2 "essential" patents of a number of major companies are being made available in a single license. The pool has been operational since July 1997 and now has over one hundred and fifty licensees and royalty revenues in nine figures.

This pioneering approach to licensing has been utilized in other contexts. Ken and his associates are now working on another patent pool involving large consumer electronics and entertainment companies concerning DVD technology.

Ken's group is also working on evaluating patents for a pool for the IEEE 1394 standard

which is related to interconnecting PCs and various peripherals and a pool for the HAVi standard which is related to interconnection of home audio/video devices.

Ken counsels his clients with respect to the validity and infringement of competitors' patents. Such clients include Standard Microsystems, an IC and local area network component company; C-Cube Microsystems, a developer of video encoder and decoder chips; Divicom, a developer of video encoders and decoders; Starlight Networks, a developer of video server software; and Maker Communications, Inc., a developer of telecommunications integrated circuits. In the area of cryptography, Ken represents Telcordia and CableLabs. He has in the past also represented Tele-TV, a joint venture of NYNEX, Bell Atlantic and Pacific Telesis.

Ken is also heavily involved in licensing, technology transfer and joint development. Ken has successfully concluded a number of license and technology transfer agreements for his clients with companies such as Lucent and Intel.

Ken and his wife, Randee, a social worker, have four children, Ari, Sara, Debbie and Rebecca. Ken enjoys baseball and reading, especially history books.

STEVEN C. KRANE

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Practice Areas:

Alternative Dispute Resolution
Constitutional
Commercial Litigation
Securities

Sports

Trademark & False Advertising

Appellate

Legal Ethics Counseling

Gambling / Lotteries

Licensing / Sports

Limited Liability Companies And Partnerships

Education:

NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 1981
EDITOR, NEW YORK UNIVERSITY JOURNAL OF
INTERNATIONAL LAW AND POLITICS, 1979-1981
STATE UNIVERSITY OF NEW YORK AT STONY BROOK,
B.A., CUM LAUDE, 1978

PHI BETA KAPPA

Bar Admission:

1982 NEW YORK

Court Admissions:

1982 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
1982 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT
1987 U.S. COURT OF APPEALS, SECOND CIRCUIT
1987 U.S. SUPREME COURT
1997 U.S. COURT OF APPEALS, SIXTH CIRCUIT

Bar Affiliations:

NEW YORK STATE BAR ASSOCIATION, PRESIDENT, 2001-2002
NEW YORK STATE BAR ASSOCIATION, MEMBER, HOUSE OF DELEGATES, 1996 - PRESENT
NEW YORK STATE BAR ASSOCIATION, VICE-CHAIR, COMMITTEE ON THE FUTURE OF THE PROFESSION, 1997 - PRESENT
NEW YORK STATE BAR ASSOCIATION, CHAIR, SPECIAL COMMITTEE TO REVIEW THE CODE OF PROFESSIONAL RESPONSIBILITY, 1995 - PRESENT
NEW YORK STATE BAR ASSOCIATION, MEMBER, SPECIAL COMMITTEE TO REVIEW THE CODE OF PROFESSIONAL RESPONSIBILITY, 1992-1995
NEW YORK STATE BAR ASSOCIATION, MEMBER, SOMMITTEE ON PROFESSIONAL ETHICS, 1990-1994
NEW YORK STATE BAR ASSOCIATION, CHAIR, TASK FORCE ON SIMPLIFICATION OF LAW, 1989-1991; MEMBER 1988-1989, 1991-1992
NEW YORK STATE BAR ASSOCIATION, MEMBER, COMMITTEE ON COURTS OF APPELLATE JURISDICTION, 1984-1988
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1993-1996
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, SECRETARY, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1985-1988
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON PROFESSIONAL AND JUDICIAL ETHICS, 1990-1993
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, DELEGATION TO THE NYSBA HOUSE OF DELEGATES, 1997 - PRESENT; MEMBER 1996 - PRESENT
ASSOCIATION OF THE BAR OF THE CITY OF NEW

YORK, MEMBER, COMMITTEE ON PROFESSIONAL RESPONSIBILITY, 1985-1988
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, CHAIR, SUBCOMMITTEE ON PROVISION OF LEGAL SERVICES, 1987-1988
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON FEDERAL COURTS, 1996 - PRESENT
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, AD HOC COMMITTEE ON PRIVATE LEGAL REFERRAL SERVICES, 1987-1989
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, AD HOC COMMITTEE ON MASS DISASTER PREPAREDNESS, 1996 - PRESENT
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, SPECIAL COMMITTEE ON GOVERNMENT ETHICS, 1988-1990
NEW YORK STATE BAR ASSOCIATION, MEMBER, EXECUTIVE COMMITTEE, JUNE 1998 -

Other Affiliation: AMERICAN LAW INSTITUTE, MEMBER, 1993 - PRESENT

Clerkship: LAW CLERK, HON. JUDITH S. KAYE, NEW YORK STATE COURT OF APPEALS, ALBANY, NY, 1984-1985

Government Service: CHAIR, GRIEVANCE PANEL, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, 1995 - PRESENT
MEMBER, DEPARTMENTAL DISCIPLINARY COMMITTEE OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1996 - PRESENT
SPECIAL TRIAL COUNSEL, DEPARTMENTAL DISCIPLINARY COMMITTEE OF THE APPELLATE DIVISION, FIRST DEPARTMENT, 1991-1993
MEMBER, NEW YORK STATE OFFICE OF COURT ADMINISTRATION TASK FORCE ON ATTORNEY PROFESSIONALISM AND CONDUCT, 1996 - PRESENT

Biography:

Steven Krane joined Proskauer upon his graduation from the New York University School of Law in 1981, taking a year off in 1984-85 to serve as law clerk to Judge Judith S. Kaye of the New York Court of Appeals. He became a partner in the Litigation and Dispute Resolution Department in 1989. Although a general commercial litigator, Steven has considerable experience in representing sports leagues and teams in a wide variety of matters, and also maintains a practice concentration in the field of legal ethics and

professional responsibility.

Sports Law

Sports leagues and teams frequently need advice on a wide variety of issues, and Steven has been consulted by them on questions relating to, among other things, antitrust law, trademark law and labor relations. Over the past several years, Steven has represented the National Basketball Association, National Hockey League, Major League Baseball, Major League Soccer and the Women's National Basketball Association in a broad range of litigated and non-litigated matters. Among the more prominent matters in which Steven has been involved were the NBA's successful challenge to Oregon's basketball lottery, the Bridgeman and Williams antitrust lawsuits that led to the NBA's 1988 and 1994 collective bargaining agreements, the NBA players' 1995 campaign to "decertify" their union, and the 1991 arbitration concerning Patrick Ewing's claimed status as an unrestricted free agent. A few months ago, Steven brought to a successful conclusion a racketeering case brought against the NHL by an alleged class of former players against the League and Alan Eagleson, the former Executive Director of the players' union. The players contended that the NHL and its team owners permitted Eagleson to divert money from the players' union for his own personal benefit in exchange for concessions in collective bargaining. Steven is currently defending Major League Soccer in an antitrust class action challenging the terms and conditions under which professional soccer players are employed. Major League Soccer is not a traditional, franchise-based sports league, but is structured as a single entity. The litigation, which challenges the structure of the league, has far-reaching implications for all sports leagues.

He has also been involved in successfully lobbying the U.S. Congress, which led to the Professional and Amateur Sports Protection Act of 1992 -- the law that prohibits most sports betting in the United States -- and the Governor of Oregon who, in response to legal arguments, withdrew his support for sports betting at gambling casinos in the state.

Professional Responsibility/Ethics

It has been said that "sometimes even lawyers need lawyers." Steven has been active in representing lawyers and law firms in a variety of professional matters, such as defending them against charges before grievance and disciplinary committees, representing them in disputes concerning admission to the bar, defending them in cases charging that they participated in securities fraud committed by their clients, as well as rendering opinions and otherwise counseling them on a broad range of ethical issues. He has served as a litigation consultant and has been an expert witness on a variety of issues such as conflicts of interest and solicitation of clients by lawyers leaving a law firm. Steven has written extensively on issues of professional responsibility. One of his major articles, "When Lawyers Represent Their Adversaries: Conflicts of Interest Arising out of the Lawyer-Lawyer Relationship," was published in the Hofstra Law Review in 1995 and has been relied upon by the American Law Institute's Restatement of the Law Governing Lawyers.

Steven currently serves as Chair of the New York State Bar Association's Committee on Standards of Attorney Conduct, the successor to the Special Committee to Review the Code of Professional Responsibility. These groups conducted a five-year project of reviewing and proposing a series of amendments to the ethical rules governing lawyers, which were adopted by the New York courts in 1999. He is a member at large of that Association's Executive Committee and a Fellow of the New York Bar Foundation. He served as a member of the NYSBA Committee on Professional Ethics for four years (1990-94). On

June 1, 2001, he took office as President of the NYSBA, the youngest person ever to hold that post.

Steven spent nine of the 11 years from 1985 to 1996 associated in various capacities with the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York, most recently serving a three-year term as the Committee Chair. During his tenure, the City Bar Ethics Committee published an unprecedented 35 formal opinions on a broad range of topics of general interest to the bar. Additionally, he has been a member of the New York State Office of Court Administration Task Force on Attorney Professionalism and Conduct since 1996, and was elected to membership in the American Law Institute in 1993. Steven served as a Hearing Panel Chair for both the Departmental Disciplinary Committee for the First Judicial Department and the Committee on Grievances of the United States District Court for the Southern District of New York. He also previously served as a special prosecutor for the First Department Disciplinary Committee. Steven has taught and lectured extensively in both of his fields of concentration. He developed and taught a course in sports law at the Georgia Institute of Technology, and for several years taught legal ethics at the Columbia University School of Law as a member of its adjunct faculty. He is a frequent lecturer on professional responsibility and on antitrust and other issues affecting the sports industry.

CHARLES GUTTMAN

Among Charles's multinational clients are Thyssen Steel, Wabco Standard, Schein Pharmaceutical Ranbaxy Laboratories, Sun Pharmaceutical Industries and Medichem. He has also provided legal counsel to major companies in technologies ranging from biotechnology to business method patents.

Charles's professional associations include membership in the New York Intellectual Property Association, the Bar Association of the City of New York, and the American Bar Association, of which he is a member of the Science and Technology Committee. He is also an active member of a leadership committee of the American Technion Society. Charles is a Registered Patent Attorney before the United States Patent and Trademark Office.

has represented numerous major corporations in patent infringement litigation including Mitsubishi Electric, American Honda, Genentech, Raychem, Spectra-Physics and American Hospital Supply. Mr. Shalek has led teams of lawyers in patent cases relating to lasers, bar code scanning, hand-held computers, semiconductor electronics, medical device technology, irrigation equipment, three-dimensional modelling, photopolymers, optical coatings, DNA sequencing, and various forms of genetic engineering.

James H. Shalek

Mr. Shalek has used his gift for explaining complex technology in simple terms in intellectual property and contract disputes and at trials. These include his representation of Bay Networks in a dispute with Rockwell over 56k modem technology, a breach of warranty action against Canon involving semiconductor manufacturing equipment, and a case involving robotic swimming pool cleaners in which a judgment for his client was recently affirmed by the 11th Circuit.

Mr. Shalek also handles opinion work respecting patentability and infringement, patent and trademark licensing matters, and in practicing before the United States Patent & Trademark office where he has been involved in numerous re-examinations, reissues, interferences, oppositions and cancellation proceedings.

Mr. Shalek has represented companies in Japan, Taiwan, People's Republic of China, Israel, and Europe, and addressed his clients' intellectual property needs on a global basis.

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| | Practice Areas: Licensing / Computer Software Copyright Intellectual Property & Computer Litigation Mergers & Acquisitions Trademark & False Advertising International Entertainment, Media, Information & Technology Internet Commerce Licensing / Entertainment |

Education: CITY COLLEGE OF THE CITY UNIVERSITY OF NEW YORK, B.A., 1964
NEW YORK UNIVERSITY SCHOOL OF LAW, LL.B., 1967
RESEARCH EDITOR, NEW YORK UNIVERSITY LAW REVIEW, 1966-1967

Bar Admissions: 1968 NEW YORK
1980 DISTRICT OF COLUMBIA

Court Admissions: 1977 U.S. COURT OF APPEALS, FOURTH CIRCUIT
1982 U.S. SUPREME COURT
1983 U.S. DISTRICT COURT, DISTRICT OF COLUMBIA
1994 U.S. COURT OF APPEALS, SIXTH CIRCUIT

Biography:

Jon Baumgarten is a Proskauer Rose LLP partner, resident in the firm's Washington, D.C. office. (He is also regularly available in the firm's offices in New York City, California, Boca Raton and Europe.) He is a graduate of the New York University School of Law, where he was an Executive Editor of the New York University Law Review.

Jon is widely recognized as one of the country's leading domestic and international intellectual property lawyers, with particular emphasis in copyright matters. He has been named in such peer selections as the publications Best Lawyers in America and International Who's Who of Internet and E-Commerce Lawyers and a periodical article "Best Lawyers in Washington," and has anchored the firm's trial and appellate teams in a number of precedent-setting intellectual property cases.

From his admission to the Bar in 1968 until January 1976, and since June 1979, Jon has engaged in private practice, with emphasis on domestic and international copyright, licensing, contract, litigation and related matters pertaining to the publishing, computer, motion picture, music and recording, communications, arts and Internet communities. His client responsibilities in these areas include trade associations and domestic and international consortia, leading American and foreign companies, start-up and emerging ventures, and individuals.

From January 1976 through May 1979, Jon served as General Counsel of the United States Copyright Office. During this period, he was a leading participant in the formulation of the new Copyright Act, was responsible for the preparation of Copyright Office regulations and practices under the new law, represented the Copyright Office before courts and Congressional committees and represented the United States Government in international copyright conferences.

Jon is the author of numerous articles and a book entitled U.S.-U.S.S.R. Copyright Relations Under the Universal Copyright Convention, has lectured on copyright at numerous scholarly, professional and industry seminars and programs in the United States and abroad, and has chaired several conferences on proprietary rights issues. He has been a lecturer on international copyright law in a cooperative program of Duke University and the University of Copenhagen and at the International Law Institute in Washington, and has served as a private sector and Government delegate to the People's Republic of China, Russia and the World Intellectual Property Organization.

Since re-entering private practice, Jon has continued to be called upon by the Government. He has served as an Advisor to Congress' Office of Technology Assessment in connection with an OTA assessment of Intellectual Property Rights in an Age of Electronics and Information, and was requested by the National Science Foundation to organize, chair and present a report at an NSF Conference on Protection of Computer Systems and Software and by the United States Copyright Office to instruct its staff and representatives of other Government agencies on International Aspects of Copyright Protection for Computer Programs and Semiconductor Chips, and to instruct a delegation from the People's Republic of China on aspects of United States copyright law. He has served as an instructor at the International Copyright Institutes conducted by the Copyright Office for foreign government representatives.

Jon serves on several bar association committees on copyright and is past Chair of the Committee on International Copyright of the Section of Patent, Trademark and Copyright Law of the American Bar Association, former Chair of the Section's Committees on Copyright Office Affairs, Copyright Legislation and Broadcasting, Sound Recordings &

Performing Artists, and of the Committee on Copyrights, Patents, and Trademarks of the Federal Bar Association, and a past Trustee of the Copyright Society of the United States of America. Jon has also served as a member of the National Advisory Committee to the United States Copyright Office and the International Copyright Panel of the Advisory Committee to the Department of State on International Intellectual Property, and served as a member of the Ad Hoc Working Group on Adherence to the Berne Convention. He is a member of the Editorial Board of the Copyright Society's Journal, the Advisory Boards of the Patent, Trademark and Copyright Journal, World Intellectual Property Report, Computer Lawyer and Journal of Proprietary Rights, and was a founding director of the American Copyright Council, the Computer Law Association, the D.C. Computer Law Forum and Washington Area Lawyers for the Arts.

WILLIAM M. HART

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Practice Areas:

Licensing / Computer Software

Copyright

Intellectual Property & Computer

Litigation

Entertainment, Media, Information & Technology

Licensing / Entertainment

Licensing / Sports

Entertainment

Education:

UNIVERSITY OF PITTSBURGH SCHOOL OF LAW, J.D.,
1981

EXECUTIVE EDITOR, JOURNAL OF LAW AND
ECONOMICS, 1980-1981

CARNEGIE MELLON UNIVERSITY, B.A., 1978

Bar Admission:

1982 NEW YORK

Court Admissions:

1982 U.S. DISTRICT COURT, NEW YORK, EASTERN
DISTRICT

1982 U.S. DISTRICT COURT, NEW YORK, SOUTHERN
DISTRICT

1986 U.S. COURT OF APPEALS, THIRD CIRCUIT

1988 U.S. COURT OF APPEALS, SECOND CIRCUIT

Biography:

William M. Hart is a partner in the New York office of Proskauer Rose LLP who specializes in intellectual property litigation and transactional matters, with a particular emphasis on copyright. His practice spans a wide spectrum of industries, focusing primarily on entertainment and literary property matters. He has represented clients in several leading cases including *Demetriades v. Kaufmann*, which served as a catalyst for legislative reform in the copyright protection of architectural works, and *Cliffnotes v. Doubleday*, a landmark trademark parody case.

Since 1995, Mr. Hart has been actively involved in almost all of the leading "Internet content" cases including the *Lerma*, *Netcom* and other cases for clients such as the Religious Technology Center, the MPAA, the BSA and others. These cases established new law on such diverse issues as ISP infringement liability, protocols for removal of infringing content (preceding the adoption in Section 512 of the U.S. Copyright Act), extra-territorial jurisdiction, and liability for "peer to peer" delivery systems. Mr. Hart was actively involved in the recent "DVD hack" decision (*Universal City Studios v. Reimerdes*), successfully applying the new anti-circumvention provisions of the Copyright Act to a technology which enabled unauthorized users to decrypt protected DVD movies and proliferate highly compressed copies on the Internet.

Mr. Hart's involvement in multinational copyright has afforded him considerable depth in foreign copyright matters; he is often called upon in overseas copyright litigations and in complex transactions involving copyright and new technologies. He also has considerable transactional experience in the acquisition and sale of copyright assets and has been principally involved in music publishing, film and other deals involving large portfolios of valuable, well-recognized copyrights.

Mr. Hart is a past member of the Committee on Copyright & Literary Property of the Association of the Bar of the City of New York (1989 - 1992) and of the Federal Legislation Committee of the United States Trademark Association (1988 - 1989). He has long been a member of the United States Copyright Society.

A frequent lecturer, Mr. Hart has been a guest speaker for such groups as the Practising Law Institute, the ABA and the United States Trademark Association, has conducted a number of symposia at leading university law schools on copyright, intellectual property litigation and licensing and is the author of numerous publications in these areas including the lead chapter in a new compendium on Art Law.

Mr. Hart received his undergraduate degree from Carnegie-Mellon University in 1977 and his J.D. from the University of Pittsburgh School of Law in 1981 where he was a member of the Law Review, the Executive Editor of *The Journal of Law and Commerce* and a founder of the Volunteer Lawyers for the Arts in Pittsburgh. Mr. Hart was awarded the Burton Fellowship in 1981 by Columbia University Law School for post-graduate studies in copyright law.

JEFFREY A. HORWITZ

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PARTNER

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Practice Areas:

Licensing / Computer Software

Corporate

Hotel / Hospitality

Intellectual Property & Computer

Real Estate Finance

Mergers & Acquisitions

Non-Profit / Exempt Organizations

Securities

International

Israeli Companies

Entertainment, Media, Information & Technology

Structured Finance

Internet Commerce

Institutional Investing & Investment Funds

Initial Public Offerings

Location - Based Entertainment

Off-shore Corporations

Private Equity Funds

Licensing / General Commercial

Licensing / Entertainment

Limited Liability Companies And Partnerships

Limited Partnerships

Partnerships

Public Offerings - Debt

Public Offerings - Equity

Reits

Entertainment

Private Placements

Education: UNIVERSITY OF VIRGINIA LAW SCHOOL, J.D., 1984
ORDER OF THE COIF
HARVARD UNIVERSITY, B.A., CUM LAUDE, 1981

Bar Admission: 1985 NEW YORK

Bar Affiliations: ASSOCIATION OF THE BAR OF THE CITY OF NEW

YORK, MEMBER, COMMITTEE ON HOTELS,
RESTAURANTS AND TOURISM
AMERICAN BAR ASSOCIATION, SECTION OF BUSINESS
LAW, MEMBER, HOSPITALITY LAW COMMITTEE
AMERICAN BAR ASSOCIATION, SECTION OF BUSINESS
LAW, MEMBER, SUBCOMMITTEE ON THE UNIFORM
COMMERCIAL CODE

Biography:

Jeff Horwitz is a partner in the Corporate Department. He is a general corporate and securities lawyer with broad-based experience in mergers and acquisitions, international transactions, and corporate and real estate finance.

Jeff regularly counsels clients on the full range of their activities, from raising seed capital through to public offerings, acquisitions and operational matters. He has represented major financial institutions, such as Bear Stearns, CIBC World Markets, Credit Suisse | First Boston, J.P. Morgan and Standard Chartered Bank, in sophisticated financial and other transactions. He has also represented private equity funds and other investors in structuring, managing and disposing of investments. He has handled tender offers, "going private" transactions, restructuring, securitization and structured finance transactions. He has worked in industries as diverse as biotechnology and aerospace, apparel and cable television, hedge funds and scrap metal.

Jeff has handled transactions in many areas of the world, including Europe, India, the People's Republic of China, the Pacific Rim from Korea to Australia, South Africa and South America, and has substantial experience in transactions with French, Swiss and Israeli companies.

As co-head of Proskauer's nationally recognized Hospitality Practice Group, Jeff has handled virtually every type of matter involving the lodging industry, including hotel development and construction, financing, management, marketing, reservations systems and ancillary services, acquisition and sale and restructuring. For more than a decade, Jeff represented Meridien Hotels and Resorts in all their U.S. activities. He also regularly represents Accor, and has worked on projects involving Club Med, Days Inns, Doubletree, Four Seasons, Cendant, Marriott (and Ritz-Carlton), Six Continents, Starwood (Luxury Collection, Sheraton, St. Regis and Westin), Wyndham and others, both in and outside the U.S. Jeff advised on SAirRelations' sale of Swissôtel to Raffles for nearly \$500 million, Accor's \$1.1 billion acquisition of Red Roof Inns, the development, management and operation of The Diplomat Resort, Convention Center and Spa in Southern Florida (for the independent fiduciary acting for a union pension fund owner), the acquisition, management and financing of the Century Plaza Hotel & Tower in Los Angeles (and its redevelopment as the St. Regis Los Angeles and the Westin Century Plaza). He has worked on single-property deals throughout the U.S. and the rest of the world. He has substantial experience with global distribution systems and computer reservations systems, and participated in the early formation of Amadeus. Most recently, he has advised on a variety of casino-related projects, including the development of gaming properties on Indian land. He is also general counsel to the hedge fund managed by former Bear Stearns gaming, lodging and leisure analyst, Jason Ader.

Jeff also co-heads Proskauer's iPractice Group, which focuses on start-up and development stage companies, as well as established "traditional" businesses, in online, Internet-related or technology businesses. Jeff has handled organizational and structuring matters, venture capital and other equity placements, restructurings (from "down" rounds to recapitalizations to M&A solutions). He has experience in virtually every type of online advertising, sponsorship, licensing, content distribution, co-branding, hosting, training and other operational matter. Jeff regularly handles complex software joint ventures and related transactions. Most recently, he has advised on the creation of agreements for the development and licensing of a proprietary operations management system for Weight Watchers franchisees.

Jeff is also one of the leaders of our entertainment practice, particularly in the live theatre business, where he represents, among others, The League of American Theatres and Producers Inc. (the national trade association for Broadway theatre), the Tony Awards® (as League counsel), various other joint venture events, such as Broadway on Broadway and Broadway under the Stars, as well as producers. Jeff has also represented various interests in establishing multimillion-dollar licensing and sponsorship arrangements for such events as New Year's Eve in Times Square, and is regular outside counsel to Threshold Entertainment, producer of the Mortal Kombat movies, television shows and other entertainment. In the media industry, Jeff has advised on the acquisition and sale of television, radio, newspaper and magazine properties, the acquisition and sale of advertising, promotion and marketing agencies and joint ventures, including planning a joint venture among PBS, WNET/Thirteen and WGBH to develop a cable television channel. Jeff also advises rights holders, including our long-time clients, The Leonard Bernstein Office and The Balanchine Trust.

Jeff has combined his work in a variety of these areas in advising companies in the apparel business, from the teen-focused multi-channel retailer, dELiA*s, to advising fashion designers and manufacturers, including negotiating licenses with brands such as Calvin Klein Jeanswear, Izod, Marvel Entertainment and many others.

Jeff is a member of The Association of the Bar of the City of New York, where he serves on the Committee on Hotels and Tourism (and previously the Committee on Children and the Law), and the American Bar Association, where he is a member of the Section of Business Law (and its subcommittee on the Uniform Commercial Code) and the ABA Hospitality Committee. He regularly lectures on hotel management agreements at the Cornell School of Hotel Administration, has lectured on health-care mergers and acquisitions for the Practising Law Institute, on hotel acquisitions at the NYU Hospitality Industry Investment Conference, and on mezzanine debt financing at various hotel industry conferences. He is a member of the Editorial Board of the Cornell Hotel and Restaurant Administration Quarterly. He is a director of The New York Hospitality Council, Inc., a not-for-profit forum for hospitality industry leaders. He has also served as a director of the America-Israel Chamber of Commerce and a past member of the FrenchAmerican Chamber of Commerce in the U.S. and the American Society of Corporate Secretaries. He is a director of The Jewish Community Center in Manhattan (which has built a new 140,000-square foot community center on Manhattan's Upper West Side), and is on the Executive Committee of the Lawyers' Division of UJA Federation. He also serves as a director and President of LAByrinth Theater Company. He served as an officer of the Henry Kaufmann Foundation for more than a dozen years. He was also a Vice Chair of the Associates' Campaign for The

Legal Aid Society.

Jeff was graduated from Phillips Exeter Academy, Harvard College and the University of Virginia School of Law, where he was elected to The Order of the Coif. He has been with the Firm for his entire career, and seen its size more than triple. He lives in Manhattan and Connecticut with his wife, two children and their dog.

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Alternative Dispute Resolution

Copyright

Commercial Litigation

**Intellectual Property & Computer
Litigation**

Trademark & False Advertising

International

France

Entertainment, Media, Information & Technology

Appellate

Internet Commerce

Non-Compete & Trade Secrets

Education: GEORGETOWN UNIVERSITY LAW CENTER, J.D., 1980
UNIVERSITY OF NOTRE DAME, B.A., 1977

Bar Admission: 1981 CALIFORNIA

Court Admissions: 1981 U.S. COURT OF APPEALS, THIRD CIRCUIT
1981 U.S. COURT OF APPEALS, NINTH CIRCUIT
1981 U.S. DISTRICT COURT, CALIFORNIA, CENTRAL
DISTRICT
1982 U.S. DISTRICT COURT, CALIFORNIA, SOUTHERN
DISTRICT
1983 U.S. DISTRICT COURT, CALIFORNIA, NORTHERN
DISTRICT

1988 U.S. DISTRICT COURT, CALIFORNIA, EASTERN DISTRICT

1992 U.S. DISTRICT COURT, MICHIGAN, EASTERN DISTRICT

Biography:

Scott P. Cooper is a litigation partner resident in Proskauer Rose LLP's Los Angeles office. Scott concentrates his practice in intellectual property, entertainment, technology, antitrust and other complex commercial litigation. He has extensive experience in matters relating to the Internet and a wide variety of domestic and international business disputes involving transactions in and rights to a broad range of products, inventions, ideas and proprietary information.

One of the nation's most experienced lawyers on intellectual property disputes affecting the Internet, Scott was one of the lead trial counsel in the Summer 2000 landmark Digital Millennium Copyright Act victory on behalf of the motion picture industry in the Southern District of New York. That case of first impression involved the application of the new anti-circumvention rules of the Copyright Act to Internet distribution of a utility for illegally decrypting DVDs. He also was one of the Proskauer attorneys who assisted the Recording Industry Association of America in designing and implementing their civil Internet anti-piracy litigation strategy to enforce the copyright laws against the creators of illegal MP3 sites.

Scott has over fifteen years of experience in disputes of all kinds affecting the entertainment and media businesses. He has represented a number of major studios and independent motion picture and television producers and distributors in disputes ranging from rights cases involving copyrights, trademarks and license rights, to participation accounting and guild residual disputes, antitrust actions and lawsuits over rights of privacy and publicity. Scott's significant antitrust experience includes defense of cable company MediaOne Group, now a part of AT&T Broadband, in the cable Internet access antitrust class action in Los Angeles. He also has represented a motion picture exhibitor in civil antitrust litigation relating to the legality of motion picture distribution practices under federal and state antitrust laws including blind-bidding, block-booking and clearance practices, as well as two United States Justice Department civil antitrust investigations and grand jury proceedings concerning block-booking practices, and the alleged monopolization of the market for "first run movie theaters".

Scott represents domestic and foreign-based clients in matters in the U.S. and Europe involving subjects as diverse as transactions in computer products, motion picture financing and licensing, and art theft. He also has represented clients in investigations by the Department of Justice and the Securities and Exchange Commission in connection with alleged violations of the antitrust and securities laws.

Scott's experience in the areas of U.C.C., antitrust, unfair competition, copyright, trademark and other intellectual property law include a wide range of non-entertainment industry matters as well. He has handled antitrust litigation in markets as diverse as natural vitamins, retail gasoline sales and international tuna fishing. He also has represented clients in litigations involving alleged thefts of trade secrets, proprietary and copyrighted information and technology in a variety of high technology, service and general manufacturing

industries.

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Practice Areas:

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Intellectual Property & Computer

Trademark & False Advertising

Entertainment, Media, Information & Technology

Internet Commerce

Education: FORDHAM UNIVERSITY SCHOOL OF LAW, J.D., 1984
BOSTON COLLEGE, B.A., CUM LAUDE, 1981

Bar Admission: 1985 NEW YORK

Court Admissions: 1985 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
1985 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT
1989 U.S. COURT OF APPEALS, NINTH CIRCUIT
1993 U.S. DISTRICT COURT, WISCONSIN, EASTERN DISTRICT
1994 U.S. COURT OF APPEALS, SECOND CIRCUIT
1994 U.S. COURT OF APPEALS, FEDERAL CIRCUIT
1999 U.S. DISTRICT COURT, MICHIGAN, WESTERN DISTRICT
2002 U.S. COURT OF APPEALS, FOURTH CIRCUIT

Other Affiliations: INTERNATIONAL TRADEMARK ASSOCIATION,
MEMBER, LEGISLATION COMMITTEE, 1994-1997
INTERNATIONAL TRADEMARK ASSOCIATION,
MEMBER, MEETINGS COMMITTEE, 1998 -
INTERNATIONAL TRADEMARK ASSOCIATION, CHAIR,
1993 ANNUAL FORUM

Biography:

From the inception of his career, Brendan O'Rourke has specialized in the field of trademark, false advertising, and unfair competition law, and has provided day-to-day trademark and Lanham Act counseling to many Fortune 500 clients as well as start-up companies and entrepreneurs. He is a first-rate, first-chair litigator, having successfully tried numerous trademark, trade dress, unfair competition, false advertising, and copyright cases involving diverse products and companies and has substantial expertise in obtaining emergent relief, including preliminary injunctions, temporary restraining orders, seizure orders, and ex parte relief. He has tried and been involved in a variety of cases and reported decisions of interest in his field, including *Guinness v. Anheuser-Busch*, *Extreme Color v. Clairrol*, *TT Sounds Good v. Tommy Lee*, *EMI v. Hill Holiday*, *Emergency One v. American Fire Eagle*, *RIAA v. Napster*, *Parisi v. Madonna*, *Platypus v. Bad Boy and Sean John*, *SC Johnson v. Clorox*, *Phillip Morris v. Allen*, *Elk v. GAF*, *Fabrications v. Hygenic*, *Bristol-Myers v. McNeil Labs*, *Kunycia v. Kay Bee Toy Stores*, *L.A. Gear v. Thom McAn*, *Vision Street Wear v. Melville*, *Edison Bros. v. Cosmair*, *McDonald's Corp. v. McBagels*, and *MasterCard v. American Express*.

He is a nationally recognized leader, a "go to" counselor and litigator, designated by Who's Who Legal, the International Who's Who of Business Lawyers as one of the top lawyers in the field.

His expertise includes all phases of trademark and false advertising counseling and litigation, including complex issues involving consumer survey research and claim substantiation, and inter partes proceedings before the United States Trademark Trial and Appeal Board and the Federal Circuit.

Mr. O'Rourke is a frequent lecturer, has had numerous articles published in the fields of trademarks, false advertising, copyrights, and patents, and has appeared on national television to discuss trademark litigation.

He is an active member of the International Trademark Association (INTA) having served on its Education Committee (1987-1989), its Forums Committee (1990-1993), Legislation Committee (1994-1996), where he served on the INTA Task Force responsible for the enactment of the Federal Dilution Statute in 1996, Meetings Committee (1997-2001), and Alternative Dispute Resolution Committee (2001-). He has chaired INTA's Annual Basics Forum, an advanced forum on the Trademark Law and Revisions Act, INTA's third annual "Trademarks in Cyberspace" forum in Boston in October 2000, and INTA's Annual Leadership Meeting, and has served on many INTA project teams, including the joint forum between INTA and NAD on false advertising (March 2000, New York), where he led a discussion and panel on claim substantiation.

In addition to his vast experience trying cases, Mr. O'Rourke has developed a specialty in mediation through both the federal courts and the INTA panel of neutrals for clients such as Kraft, Estee Lauder, Madonna, Bristol-Myers Squibb, Federal Signal, and EMI. Mr.

O'Rourke's expertise includes internet and domain name disputes, including successful ICANN proceedings for Madonna, Estee Lauder, Donald Trump, and Shania Twain.

Mr. O'Rourke received his undergraduate degree from Boston College, cum laude, in 1981 with a double major in English and Philosophy. He received his Juris Doctorate in 1984 from Fordham University School of Law, where he captained the Fordham National Trial

Advocacy Team. He is admitted to practice in all courts in the State of New York and numerous United States District Courts and Federal Courts of Appeals, including the Second, Ninth, and Federal Circuits.

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Education: NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 1978
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ARTICLES EDITOR, NEW YORK UNIVERSITY LAW
REVIEW, 1977-1978
JOHNS HOPKINS UNIVERSITY, M.A., 1975
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Bar Admission: 1980 NEW YORK

Court Admissions: 1981 U.S. DISTRICT COURT, NEW YORK, EASTERN
DISTRICT
1981 U.S. DISTRICT COURT, NEW YORK, SOUTHERN
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1983 U.S. COURT OF APPEALS, SECOND CIRCUIT
1984 U.S. COURT OF APPEALS, THIRD CIRCUIT
1984 U.S. DISTRICT COURT, NEW YORK, WESTERN
DISTRICT
1990 U.S. COURT OF APPEALS, NINTH CIRCUIT

1995 U.S. SUPREME COURT

Clerkship:

LAW CLERK, HON. JAMES HUNTER, III, UNITED STATES COURT OF APPEALS, THIRD CIRCUIT, 1978-1979

Biography:

Larry Weinstein is a litigation partner in the firm's New York office specializing in entertainment and intellectual property litigation. He has extensive trial and appellate experience in federal and state courts throughout the country.

In the entertainment field, Mr. Weinstein represents record companies covering all genres of popular music, major recording acts, record company executives and professional sports figures. His recent successes in the entertainment area include: serving as the senior partner on the Proskauer team that represented the major U.S. record companies in their successful copyright infringement litigation against Napster, arguing the successful summary judgment motion of the recording act Nine Inch Nails in a major copyright infringement suit in the Central District of California; serving as lead trial counsel for PolyGram and Island Records in their successful defense of a suit in the Southern District of New York by a popular recording group which sought to escape its recording contract with Island; and obtaining the dismissal of the national class action suit against Mike Tyson arising out of his conduct in the infamous Tyson-Holyfield fight.

In the intellectual property field, Mr. Weinstein is the long-time chair of the Intellectual Property Subcommittee of the American Bar Association's Committee on Corporate Counsel, and a frequent lecturer and writer on intellectual property subjects. He is a veteran trial lawyer in false advertising, trademark and trade secret cases.

Among Mr. Weinstein's significant intellectual property victories were: numerous false advertising cases on behalf of consumer products manufacturer S.C. Johnson & Son, including one which was the subject of a lengthy article in the American Lawyer's Corporate Counsel Magazine; a highly publicized jury trial in a Massachusetts trade secret case in which his client, which faced claims for damages and injunctive relief that would have put it out of business, was completely exonerated; and a trade secret case in which Mr. Weinstein obtained one of the most far-reaching permanent injunctions ever issued by a federal court in a reported decision: the defendants were permanently banned from competing in plaintiff's industry, ordered to assign to plaintiff, without royalty, all of their domestic and foreign patents and directed to disassemble their manufacturing facility and turn the equipment over to plaintiff.

Mr. Weinstein received B.A. and M.A. degrees from The Johns Hopkins University in 1974 and 1975, respectively, and a J.D. in 1978 from N. Y. U., where he was Articles Editor of the N. Y. U. Law Review, was named a John Norton Pomeroy Scholar, and was elected to Order of the Coif. In 1978-79, he served as law clerk to the Honorable James Hunter III, U.S. Court of Appeals for the Third Circuit.

Mr. Weinstein is a member of the New York Bar and is admitted to practice before the Supreme Court of the United States, the U.S. Courts of Appeals for the Second, Third, Ninth and Eleventh Circuits, and the U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York.

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Mergers & Acquisitions
Trademark & False Advertising
Entertainment, Media, Information & Technology
Internet Commerce
Initial Public Offerings
Licensing / General Commercial
Licensing / Entertainment
Licensing / Sports
Patent Law
Non-Compete & Trade Secrets

Education: BROOKLYN LAW SCHOOL, J.D., 1993
TUFTS UNIVERSITY, B.A., CUM LAUDE, 1988

Bar Admission: 1994 NEW YORK

Court Admissions: 1995 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
1995 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT

Bar Affiliations: ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, COMMITTEE ON CHILDREN AND THE LAW, CO-CHAIR, SUBCOMMITTEE ON MEDIATION
NEW YORK STATE BAR ASSOCIATION, MEMBER
AMERICAN BAR ASSOCIATION, MEMBER

Biography:

Daryn A. Grossman is a partner in the New York office of Proskauer Rose LLP. Daryn specializes in technology and intellectual property-related transactions and advises clients in identifying, protecting and exploiting intellectual property assets.

Daryn joined Proskauer after heading up the New York Technology Practice of Brobeck, Phleger & Harrison LLP. Daryn has extensive expertise in structuring and negotiating complex transactions where intellectual property assets drive the deals, such as outsourcing transactions, corporate partnering transactions, domestic and international joint ventures, strategic equity investments, spin-offs, development, licensing and distribution agreements and sponsored research and clinical trial arrangements. Daryn also counsels venture capitalists and strategic investors in evaluating intellectual property portfolios in connection with private equity investments, public offerings and mergers and acquisitions. She has a global practice and advises clients with respect to business partners based in the United States, Europe, South America, Asia, Australia, Israel and Canada.

Daryn's clients include companies in the software, hardware, telecommunications, electronic commerce, biotechnology, pharmaceutical and medical device fields. She represents entities in all stages: from start-up ventures just beginning to assemble IP portfolios to Fortune 500 companies with well established IP programs. Daryn has led her clients through successful deals with parties such as Microsoft, America Online, Sun Microsystems, Citrix Systems, Pioneer Standard Electronics, Monsanto Company, Texaco, Johnson & Johnson, Janssen, Boston Scientific Corporation, 3D Pharmaceuticals, Aspen Pharmacare, Shimoda Biotech (Pty) Ltd., Roche Pharmaceuticals, NASD, Reuters, Accenture, Computer Sciences Corporation, Bank of America, Washington Mutual, GMAC, Standard & Poor's, CMGI, Prudential, First Data Corporation, University of Melbourne, Albert Einstein College of Medicine, Columbia University, Mt. Sinai School of Medicine, Emory University, Le Centre National de la Recherche Scientifique, the University of Bath, the University of St. Andrew's, St. Jude Children's Research Hospital, and Duke University.

Daryn is a frequent lecturer on entrepreneurship and issues related to technology, licensing and intellectual property law. She is a graduate of Tufts University, cum laude, and of Brooklyn Law School.

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Corporate

Intellectual Property & Computer
Project Finance
Licensing / Entertainment
Entertainment

Education: STANFORD LAW SCHOOL, J.D., 1982
COLUMBIA UNIVERSITY, B.S., 1972

Bar Admission: 1982 CALIFORNIA

Bar Affiliations: AMERICAN BAR ASSOCIATION, MEMBER
STATE BAR OF CALIFORNIA, MEMBER

Biography:

Howard Behar is one of the leading entertainment lawyers in Los Angeles. His practice encompasses all areas of motion picture, television and multimedia development, production, finance and exploitation. He has extensive experience in the negotiation and documentation of rights acquisition agreements; talent employment agreements; domestic and international distribution and licensing agreements; partnership, joint venture and co-production agreements; financing agreements, and completion guarantees.

Howard has represented major international banks in connection with the extension of revolving and term credit facilities for entertainment software production and related purposes. He has also acted as legal counsel in connection with the production and/or distribution of numerous motion pictures and television programs, and has been a strategist in several high profile corporate acquisition and sale transactions.

Recently, he has also represented the United States Export-Import Bank in connection with its establishment of a Film Production Guarantee Program.

Howard's clients have included Steven Soderbergh, Chris Blackwell, Gary Gannaway, Blue Man Group, Home Box Office, American Broadcasting Companies, Strike Entertainment, American Zoetrope, Myriad Pictures, Fireworks Entertainment, The Lewis Horwitz Organization, Kredietbank S.A. Luxembourgeoise, Mercantile National Bank, Paxson Communications Corporation, Euro RSCG and ProSiebenSat.1 Media AG.

Howard has advised start-up, as well as established companies and individuals engaged in the production and distribution of motion picture, television and multimedia productions. He has also represented domestic and foreign-based companies in connection with various international film and television co-productions. As a result, Howard is familiar with all of the terms and practices, including compensation, in the motion picture and television industries.

Howard is a graduate of Columbia University, and received his law degree from Stanford Law School. He co-authored the chapter, "Negotiating and Drafting Motion Picture Contracts" in The Dow Jones-Irwin Handbook For Entertainers and Their Professional Advisers. In addition, Howard has lectured at various seminars on the topics of motion picture production, financing and distribution.

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Practice Areas:

Copyright
Intellectual Property & Computer
Entertainment, Media, Information & Technology
Privacy
Entertainment

Education: BROOKLYN LAW SCHOOL, J.D., 1971
 WASHINGTON UNIVERSITY, A.B., 1967

Bar Admission: 1972 NEW YORK

Biography:

Charles Ortner represents many of the leading institutions and creative and business leaders of the music industry in virtually every area, including copyright, trademark, enforcement of personal services contracts, rights of privacy and publicity, libel, unfair competition, personal matters, employment disputes, contract and royalty disputes and general corporate and commercial matters. Among the recording artists, record producers and songwriters Mr. Ortner has represented in litigation and related matters are Madonna, Michael Jackson, Shania Twain, Lauryn Hill, Whitney Houston, Jon Bon Jovi, Kenny "Babyface" Edmonds, Sean "Puffy" Combs, Trent Reznor and Nine Inch Nails, Sting, Cyndi Lauper, Collective Soul, Bonnie Raitt, Matchbox 20, Rob Thomas, Phil Ramone and Rick Rubin. He has also represented many of the music industry's leading entrepreneurs and label heads, including Chris Blackwell, Antonio "L.A." Reid, and Jimmy Iovine. Mr. Ortner represents many recording companies and music publishers, including BMG and EMI, and many record labels, including Arista, Jive, RCA, Warner Bros. Records, American Recordings, and Wind-Up Records. He also represents The National Academy of Recording Arts and Sciences (the Grammy® organization), and serves as its National Legal Counsel.

Among the notable cases Mr. Ortner has handled are:

- Humphrey v. Def Jam and CBS Records, a copyright case in which the plaintiff, relying upon voice prints, falsely claimed that his voice was the voice of the rap superstar L.L. Cool J on the hit album "Radio." At the trial the court dismissed the complaint, imposed

monetary sanctions on the plaintiff's attorneys, and cancelled the plaintiff's fraudulent copyright registration.

- *Larkin v. PolyGram* and *Mengede v. Interscope*, in which the courts dismissed Lanham Trademark Act claims by former band members who sought to prevent continued use of band names in their absence.
- *Columbia Pictures Industries v. Arista Records*, in which Columbia Pictures, the owner of the "Monkees" trademark, unsuccessfully sought to enjoin Arista's release of The Monkees' twentieth anniversary album on Lanham Trademark Act grounds because the album contained both original Monkees' hits and three new recordings by two former members of the group.
- *Island Records v. SST Records*, in which Island Records obtained a copyright and Lanham Trademark Act injunction and seizure of infringing goods against a record company which was distributing a purported parody album. The defendant's album packaging deceptively created the appearance that its album was a genuine U2 album.
- *Sanga Music v. EMI Music Publishing and Reprise Records*, in which the District Court granted, and the Second Circuit affirmed, summary judgment dismissing a copyright infringement lawsuit arising out of the recording by Enya of the song "How Can I Keep From Singing" in the hit album "Shepherd's Moon." The defendants demonstrated that nearly forty years before the lawsuit, plaintiff's songwriter had allowed her composition to enter the public domain by authorizing a friend to publish the song in an obscure folk song periodical without a copyright notice.
- *C. DeLores Tucker v. Interscope Records*, in which the court dismissed libel and related claims asserted by a critic of rap music.
- *International Record Syndicate v. The Go-Go's*, in which the court granted novel injunctive relief tolling the running of a contractual cure period pending a declaratory judgment trial, and barring the group from terminating its recording contract and signing with another record company, where the group claimed that the record company's failure to pay disputed royalties constituted a material breach entitling the group to terminate the contract.
- *PolyGram v. Glotzer and Benjamin*, in which the court sustained PolyGram's complaint alleging claims under the anti-fraud provisions of the Securities Exchange Act of 1934 in a dispute concerning PolyGram's investment in a privately held video distribution venture.
- *Mark Onofrio v. Trent Reznor, Nine Inch Nails and Interscope Records*, in which the Ninth Circuit Court of Appeals affirmed the grant of summary judgment dismissing copyright claims involving five songs on the hit album "Downward Spiral" and awarded the defendants prevailing party attorneys' fees.
- *EMI Catalogue Partnership v. Hill, Holliday, Connors, Cosmopolos, Inc. and Spaulding Sports Worldwide*, in which the Second Circuit held that a title to a song could be protectable under the Lanham Trademark Act.

Mr. Ortner has been an invited speaker at bar association and continuing legal education programs, law school classes and seminars throughout the United States, including Stanford Law School, Georgetown University Law Center, Columbia University School of Business, Boston University School of Law, and the Annenberg Foundation. He delivers a lecture annually to the Harvard Law School Entertainment and Sports Law class.

Mr. Ortner has authored numerous articles, including "Enforcement of Personal Services Contracts in the Entertainment Industry," *Current Legal Issues in the Recording Industry*;

"Voice Prints in Copyright Proceedings," Entertainment Law and Finance; "Extending or Terminating Recording Contracts Under New York Law," Entertainment Law and Finance; and "Tolling Contract Termination During Litigation," Entertainment Law and Finance; and co-authored "Representing Celebrity Stalking Victims," Entertainment Law and Finance.

He is a member of the Board of Editors of Entertainment Law and Finance.

Mr. Ortner served as an aide to John V. Lindsay, Mayor of the City of New York, and as an aide to Whitney North Seymour, Jr., United States Attorney for the Southern District of New York. He has served as an officer of various committees of the American Bar Association and the Association of the Bar of the City of New York, and was appointed by the President of the New York State Bar Association to a special committee on reform of the New York State Legislature. Mr. Ortner graduated from Washington University in 1967 (where he was in the Honors Biology and Honors History programs) and from Brooklyn Law School in 1971. He is admitted to the New York Bar, and is admitted to practice before the United States Courts of Appeals for the Second, Third and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York. Mr. Ortner has appeared in numerous federal and state courts, including courts in Connecticut, California, Georgia, Louisiana, New Jersey, Pennsylvania and Utah.

Mr. Ortner serves as a member of the Board of Trustees of the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research, and of the Multiple Myeloma Research Foundation.

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Copyright

Employment Discrimination

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Commercial Litigation

Executive Compensation

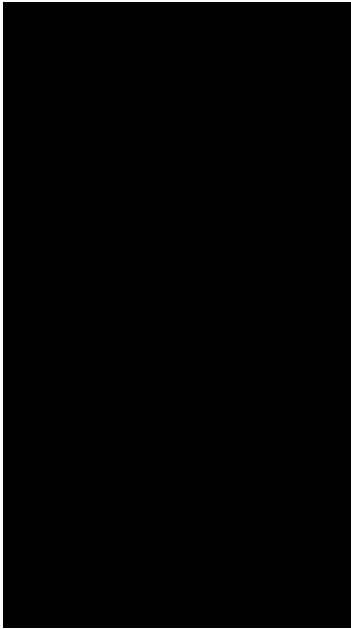
Fiduciary Duty Of Directors

Insurance Litigation

Intellectual Property & Computer

Labor Litigation

Lender Liability Litigation



Libel
 Litigation
 Real Estate Litigation
 Securities Litigation and Change of Control
 Trademark & False Advertising
 Criminal Defense & Corporate Investigations
 International
 Israeli Companies
 Entertainment, Media, Information & Technology
 Appellate
 Business Valuations
 Credit Fraud
 Stockholder Rights
 Licensing / Entertainment
 Patent Law
 Wrongful Termination
 Non-Compete & Trade Secrets

Education: UNIVERSITY OF VIRGINIA LAW SCHOOL, J.D., 1981
 TRINITY COLLEGE, B.A., 1977

Bar Admission: 1982 NEW YORK

Court Admissions: 1983 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
 1983 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT
 1994 U.S. COURT OF APPEALS, SECOND CIRCUIT

Bar Affiliations: ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, CIVIL COURT OF THE CITY OF NEW YORK COMMITTEE, 1985-1988
 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, YOUNG LAWYERS COMMITTEE, 1982-1985
 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, STATE COURTS OF SUPERIOR JURISDICTION COMMITTEE, 1989-1992
 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER, JUDICIARY COMMITTEE, 1996 - PRESENT
 AMERICAN BAR ASSOCIATION, MEMBER, LITIGATION SECTION

Government Service: COUNSEL, JOINT COMMITTEE ON JUDICIAL

ADMINISTRATION, APPOINTED BY CHIEF JUDGE AND GOVERNOR OF THE STATE OF NEW YORK, 1984-1988
ARBITRATOR, SMALL CLAIMS COURT, CIVIL COURT OF THE CITY OF NEW YORK, 1986-1989

Biography:

Steve Kayman is a New York based partner in Proskauer's Litigation and Dispute Resolution Department. He also chairs the Firm-wide, interdepartmental Non-Compete & Trade Secrets Practice Group.

The NC & TS Practice Group assists clients in both litigated and non-litigated matters involving the movement of employees between competitors, the appropriation of trade secrets, employee "raiding" and the drafting and negotiation of employment and other agreements containing restrictive covenants. Clients have called on the Group's services when its employees have "jumped ship" to a competitor, when hiring a competitor's employees and to design agreements, policies and procedures aimed at protecting the client's confidential information and relationships with its customer base and workforce. Steve has done substantial work in all these related areas -- for clients such as Citibank, The Daily News, MBIA, Chicago Title, Time Inc. and a subsidiary of Readers Digest, among many others -- and has also written and lectured about trade secrets and non-competes. The work of the Group reflects Steve's professional philosophy — that litigators today must be more than just "hired guns"; they must also be counselors and business advisors. Steve also believes that, as the cost of traditional litigation continues to escalate, litigators must be more sensitive than ever to the client's business needs. This requires a thorough and realistic assessment of the costs and benefits of alternatives to the courts (such as arbitration and mediation), careful management of litigation staffing and expense, effective use of technology and advanced planning to avoid (and maximize the client's advantage in the event of) disputes.

Apart from the trade secret and non-compete arena, Steve considers himself to be a general commercial litigator qualified to assist clients in almost any kind of business-related dispute. He has practiced extensively before federal and state courts in New York and other jurisdictions, doing both trial and appellate work. He has represented clients in most major segments of the American economy, including the financial sector, technology, media and entertainment and real estate. Steve has also had substantial experience with alternative dispute resolution, including practice before the AAA, the SEC, the NYSE, the NASD, mediators and "rent-a-judges". Securities, bankruptcy, intellectual property, insurance and false advertising are among the many fields of law in which Steve has litigated substantial matters.

In the bankruptcy arena, Steve was the Debtor's lead litigator in the successful, contested reorganization of then-NYSE company Lone Star Industries. He has also led major litigation matters in the Vestron, Integrated Resources, Reeves Brothers and AHERF bankruptcy cases.

A graduate of Trinity College and the University of Virginia School of Law, Steve began his career with Proskauer in 1981 and has been a partner since 1989.

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PARTNER

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Practice Areas:

Antitrust

Alternative Dispute Resolution

Employment Discrimination

Defamation

Commercial Litigation

Labor Unions / Collective Bargaining & Arbitration

Labor Litigation

Sexual Harassment

Sports

Appellate

Privacy

Licensing / Sports

Wrongful Termination

Education:

COLUMBIA UNIVERSITY SCHOOL OF LAW, LL.B., 1966
ARTICLES EDITOR, COLUMBIA LAW REVIEW, 1965-1966
HARLAN FISKE STONE SCHOLAR
COLGATE UNIVERSITY, B.A., 1963

Bar Admission:

1966 NEW YORK

Court Admissions:

1968 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT

1969 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT

1974 U.S. COURT OF APPEALS, SECOND CIRCUIT

1984 U.S. COURT OF APPEALS, NINTH CIRCUIT

1984 U.S. DISTRICT COURT, CALIFORNIA, NORTHERN DISTRICT

1985 U.S. COURT OF APPEALS, FOURTH CIRCUIT

1986 U.S. COURT OF APPEALS, DISTRICT OF COLUMBIA CIR.

1986 U.S. SUPREME COURT

Bar Affiliations: ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MEMBER
FEDERAL BAR COUNCIL, MEMBER
NEW YORK STATE BAR ASSOCIATION, MEMBER
NEW YORK COUNTY LAWYERS' ASSOCIATION, MEMBER

Clerkship: LAW CLERK, HON. MARVIN E. FRANKEL, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, 1966-1968

Biography:

Howard Ganz is co-chair of Proskauer's Labor and Employment Law Department, which numbers more than 150 attorneys in offices in the United States and abroad. Howard is also co-chair of the Firm's Sports Law Group, the clients of which include Major League Baseball, the National Basketball Association, the Women's National Basketball Association, the National Hockey League, Major League Soccer, the ATP and WTA Tours, the Philadelphia Eagles and the New York Jets.

Howard has served as principal outside labor counsel for the NBA for over 20 years, advising the NBA in connection with collective bargaining negotiations between the League and the unions representing both players and referees, and he has similarly assisted the WNBA in the negotiation of its collective bargaining agreements with the union that represents WNBA players.

Howard has also represented the NBA in a number of major litigations resulting from labor disputes between the League and NBA players -- a string of cases named after those who were presidents of the National Basketball Players Association, such as Oscar Robertson, Bob Lanier, Junior Bridgeman, Buck Williams and Patrick Ewing -- and in a variety of other matters, including the unsuccessful effort of some NBA players to decertify their union, numerous disputes over the operation of the Salary Cap system, and the "lockout-pay" case in which NBA teams were found not to be liable for the salaries of players with so-called "guaranteed" contracts during the work stoppage that led to the cancellation of almost one-half of the 1998-99 NBA season.

In addition, Howard has represented the NBA in a number of cases in which players were disciplined for alleged misconduct, both on and off the playing floor -- including those involving the suspension of a number of New York Knickerbockers and Miami Heat players for an on-court altercation during a crucial NBA playoff game, and the season-long suspension of Latrell Sprewell for the "choking" incident involving his coach, P.J. Carlesimo.

On behalf of Major League Baseball, Howard handled the case involving the suspension of John Rocker for the statements he made to Sports Illustrated, and he represented the American and National Leagues in connection with the "mass resignation" of the umpires during the summer of 1999 and in the proceedings that led to the certification of a new umpires' union. Howard also represented Major League Baseball in the grievance filed by the Major League Baseball Players Association protesting the decision to contract the number of Major League clubs, as well as in the 2001-02 collective bargaining negotiations

with the Players Association that, for the first time in over 20 years, resulted in an agreement without a work stoppage.

When not practicing "sports law," Howard has represented and counseled clients (including the National Broadcasting Company, McKinsey & Company, Reader's Digest, and Prudential insurance) with respect to a wide variety of labor and employment matters, such as employment discrimination, sexual harassment, wrongful discharge, defamation, breach of contract, and large-scale reductions in force; and his litigation experience has run the gamut -- from single plaintiff lawsuits to major class actions -- in federal and state courts in New York and elsewhere.

Howard is a graduate of Colgate University and Columbia Law School, where he was Articles

Editor of the Columbia Law Review, spent two years as a law clerk for a federal district judge in New York before joining the Firm, and has lectured widely on sports law and employment law matters. He is currently the Chair of the Sports Law Committee of the Association of the Bar of the City of New York, and has been named as one of the World's Leading Labor and Employment Lawyers, one of The Best Lawyers in America, and as one of the 100 Best Lawyers in New York.

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Practice Areas:

Intellectual Property & Computer

Mergers & Acquisitions

Sports

Entertainment, Media, Information & Technology

Internet Commerce

Initial Public Offerings

Licensing / Sports

Limited Liability Companies And Partnerships

Limited Partnerships

Partnerships

Education:

UNIVERSITY OF VIRGINIA LAW SCHOOL, J.D., 1985
MEMBER, VIRGINIA LAW REVIEW, 1983-1985
GEORGETOWN UNIVERSITY, B.A., CUM LAUDE, 1982

Bar Admission: 1986 NEW YORK

Clerkship: LAW CLERK, HON. JOSEPH J. LONGOBARDI, UNITED STATES DISTRICT COURT, DISTRICT OF DELAWARE, 1985-1986

Biography:

Joseph M. Leccese is a partner in Proskauer Rose LLP's Corporate Department and has a broad-based corporate practice with particular emphasis on the representation of professional sports leagues and teams and companies engaged in various media and communications businesses.

Joe's sports experience includes numerous matters for the National Basketball Association, the National Hockey League, and ATP Tour, as well as a number of individual sports teams and other sports-related entities, including the NBA's recently completed \$1 billion league-wide credit facility; the NBA's expansion in 2002 to Charlotte; North Carolina, and the related arena lease and development negotiations; the lease, development and financing of the Philadelphia Eagles' new football-based stadium; the ATP Tour's \$1.2 billion transaction with ISL relating to the worldwide television and marketing rights to the ATP World Championships and Super 9 Tournaments; the formation and structuring of the Women's National Basketball Association; the exploitation of Internet rights; national and international television contracts with major telecasters; joint ventures between sports entities and media and technology companies; franchise and tournament transfers and financings; arena and stadium leases and financings, including naming rights, seat licenses and related arrangements; licensing and other matters relating to the exploitation of intellectual property; the NHL's grants of expansion franchises to Atlanta, Columbus, Nashville and Minnesota in 1998 - 2000; and the NBA's grant of expansion franchises to Toronto and Vancouver in 1995 and to Charlotte, Miami, Minnesota and Orlando in 1988 and 1989.

Joe also has been involved in a number of matters relating to NFL clubs. He represented Robert Wood Johnson IV in his acquisition of the New York Jets and the related secured financing, and Jeffrey R. Lurie in his acquisition of the Philadelphia Eagles, the secured financing related to the acquisition and the subsequent private offering of limited partnership units. Joe continues to represent the Jets and the Eagles on an ongoing basis, handling matters such as stadium development, coaches' contracts and issues relating to the teams' relationship with the National Football League.

Joe also represented the late Alfred Lerner and Carmen Policy in their successful bid for the Cleveland Browns expansion franchise; Roger Headrick, the managing partner of the Minnesota Vikings, in a dispute with his partners relating to his right to purchase the team, the related arbitration before Commissioner Tagliabue and the eventual sale of the team to a third party; and one of the final bidders for the Washington Redskins.

Joe's media and communications experience includes numerous acquisitions, dispositions and private and public financings relating to cable television systems, network and independent television stations, radio stations, magazines and other publishing, and trade shows.

In 2003, Joe was named one of the "45 Rising Stars of the Private Bar" under age 45 by The

American Lawyer. In his younger days, Joe was named to "Forty under Forty" lists by Crain's New York and the Sports Business Journal.

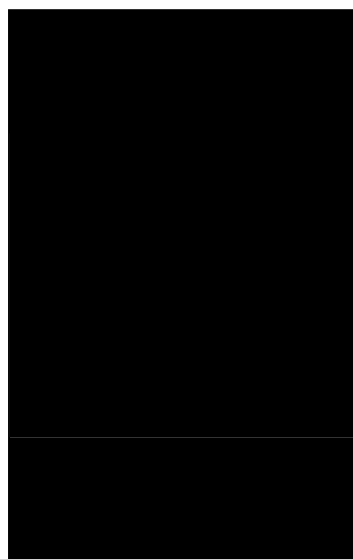
Joe is a graduate of Georgetown University and The University of Virginia School of Law, where he was a member of the Virginia Law Review.

Joe also served as law clerk to Judge Joseph J. Longobardi in the Federal District of Delaware.

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Practice Areas:

Copyright
Commercial Litigation
Intellectual Property & Computer
Sports
Trademark & False Advertising
Entertainment, Media, Information & Technology
Appellate
Internet Commerce
Non-Compete & Trade Secrets
Entertainment

Education: NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 1978
ORDER OF THE COIF
ARTICLES EDITOR, NEW YORK UNIVERSITY LAW
REVIEW, 1977-1978
JOHNS HOPKINS UNIVERSITY, M.A., 1975
JOHNS HOPKINS UNIVERSITY, B.A., 1974

Bar Admission: 1980 NEW YORK

Court Admissions: 1981 U.S. DISTRICT COURT, NEW YORK, EASTERN
DISTRICT
1981 U.S. DISTRICT COURT, NEW YORK, SOUTHERN
DISTRICT
1983 U.S. COURT OF APPEALS, SECOND CIRCUIT
1984 U.S. COURT OF APPEALS, THIRD CIRCUIT

1984 U.S. DISTRICT COURT, NEW YORK, WESTERN DISTRICT

1990 U.S. COURT OF APPEALS, NINTH CIRCUIT

1995 U.S. SUPREME COURT

Clerkship:

LAW CLERK, HON. JAMES HUNTER, III, UNITED STATES COURT OF APPEALS, THIRD CIRCUIT, 1978-1979

Biography:

Larry Weinstein is a litigation partner in the firm's New York office specializing in entertainment and intellectual property litigation. He has extensive trial and appellate experience in federal and state courts throughout the country.

In the entertainment field, Mr. Weinstein represents record companies covering all genres of popular music, major recording acts, record company executives and professional sports figures. His recent successes in the entertainment area include: serving as the senior partner on the Proskauer team that represented the major U.S. record companies in their successful copyright infringement litigation against Napster, arguing the successful summary judgment motion of the recording act Nine Inch Nails in a major copyright infringement suit in the Central District of California; serving as lead trial counsel for PolyGram and Island Records in their successful defense of a suit in the Southern District of New York by a popular recording group which sought to escape its recording contract with Island; and obtaining the dismissal of the national class action suit against Mike Tyson arising out of his conduct in the infamous Tyson-Holyfield fight.

In the intellectual property field, Mr. Weinstein is the long-time chair of the Intellectual Property Subcommittee of the American Bar Association's Committee on Corporate Counsel, and a frequent lecturer and writer on intellectual property subjects. He is a veteran trial lawyer in false advertising, trademark and trade secret cases.

Among Mr. Weinstein's significant intellectual property victories were: numerous false advertising cases on behalf of consumer products manufacturer S.C. Johnson & Son, including one which was the subject of a lengthy article in the American Lawyer's Corporate Counsel Magazine; a highly publicized jury trial in a Massachusetts trade secret case in which his client, which faced claims for damages and injunctive relief that would have put it out of business, was completely exonerated; and a trade secret case in which Mr. Weinstein obtained one of the most far-reaching permanent injunctions ever issued by a federal court in a reported decision: the defendants were permanently banned from competing in plaintiff's industry, ordered to assign to plaintiff, without royalty, all of their domestic and foreign patents and directed to disassemble their manufacturing facility and turn the equipment over to plaintiff.

Mr. Weinstein received B.A. and M.A. degrees from The Johns Hopkins University in 1974 and 1975, respectively, and a J.D. in 1978 from N. Y. U., where he was Articles Editor of the N. Y. U. Law Review, was named a John Norton Pomeroy Scholar, and was elected to Order of the Coif. In 1978-79, he served as law clerk to the Honorable James Hunter III, U.S. Court of Appeals for the Third Circuit.

Mr. Weinstein is a member of the New York Bar and is admitted to practice before the Supreme Court of the United States, the U.S. Courts of Appeals for the Second, Third,

Ninth and Eleventh Circuits, and the U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York.