



Standards and Technology Consortia Practice

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I. OVERVIEW OF ATER WYNNE'S STANDARDS & TECHNOLOGY CONSORTIA PRACTICE

Technology law has been in the DNA of Ater Wynne for years. This focus has been a key differentiator for our firm and, as a result, Ater Wynne has earned a reputation as one of the region's leading law firms for technology based companies, including global standards-setting organizations (SSOs) and other global technology consortia entities. Our firm provides this strategic legal counsel to local, regional, national, and multi-national technology-based clients.

The attorneys in our firm's technology industry group have extensive experience regarding the full range of legal matters that impact technology-based companies, including intellectual property, technology, antitrust, corporate finance, securities, tax, and employment matters.

Our technology-based clients include high tech companies (ranging from emerging growth companies to global industry leaders), global technology consortia (including standards setting organizations), and other technology industry initiatives.

Due to the firm's in depth experience with technology-based entities, Ater Wynne has earned a reputation for being at the forefront of many technology law matters, including standards-setting organizations (SSOs) and similar global technology consortia. For example, Ater Wynne served as outside counsel to the Open Source Development Lab and the Linux Kernel Organization, Inc. at the critical formative stages of these organizations, and the firm continues, to this day, to be involved with cutting- edge technology consortia or similar technology initiatives.

Frank X. Curci, one of our partners and the head of Ater Wynne's Standards and Technology Consortia Practice, is nationally recognized for his work representing technology clients in the formation and ongoing operation of global technology consortia, including standards-setting organizations (SSOs) and other multi-party industry initiatives. Frank has extensive experience both as the outside general counsel to these technology consortia/standards-setting organizations and as outside counsel to the technology companies participating as members or participants in these organizations.

II. MORE DETAILS REGARDING ATER WYNNE'S SERVICES INVOLVING TECHNOLOGY CONSORTIA/SSO ENTITIES

Ater Wynne's attorneys have extensive experience representing technology industry clients regarding a wide variety of issues related to the formation and ongoing operation of technology consortia, including standards-setting organizations (SSOs) and other multi-party industry initiatives.

Few law firms can match our scope and depth of legal expertise in this area.

The following outlines the key legal services Ater Wynne provides in this field:

- Creation and structuring of the non-profit, tax-exempt consortium entity, including:
 - Preparation of all foundational documents, including Articles of Organization and Bylaws
 - Securing tax-exempt status with IRS
- Counseling regarding, and preparation of, additional consortium policies and procedures
- Counseling regarding additional tax issues, including UBIT and other tax issues applicable to non-profit, tax-exempt entities
- Counseling the non-profit consortium's Board of Directors regarding a broad range of corporate compliance and governance issues
- Antitrust compliance, including formulation and monitoring of antitrust policy
- Counseling regarding a wide range of technology and intellectual property matters, including:
 - Creation of all Patent/IP policies
 - Counseling regarding the protection of trademarks, copyrights, and other IP rights (both domestic and worldwide)
 - IP licensing and other ongoing uses of IP rights
- Membership/Participation Agreements and ongoing matters with members/participants

- Adopters/Implementers Agreements and ongoing relations with adopters/implementers
- Liaisons and collaborations with other technology consortia, including the preparation and negotiation of complex liaison/collaboration agreements
- Forming and managing compliance and certification programs
- Confidentiality issues
- Preparing and negotiating additional commercial contracts, including vendor agreements
- Other government regulatory compliance issues
- Dispute resolution, including litigation
- Employment / independent contractor issues, including the use of professional employer organizations (PEOs).

Our attorneys are particularly proud that we provide the above legal services to both the nonprofit consortium entity as well as the companies participating as members/participants in these technology consortia.

We believe our experience representing these multiple stakeholders in technology consortia, which is not common in the same law firm, enables our attorneys to better understand the many nuances and complexities involved with forming and operating global technology consortia, including SSOs.

This experience also provides our firm with the ability to more efficiently and effectively find the appropriate legal solutions for our technology consortia clients.

IV. REPRESENTATIVE WORK

The attorneys in our Standards and Technology Consortia Practice have provided legal services associated with the following technology consortia and other multi-party industry initiatives (representative list):

- Accellera
- ATV Forum
- Bonneville Environmental Foundation (BEF)
- Business Internet Consortium, Inc. (BIC)
- CCIX Consortium, Inc.
- Continua Health Alliance
- Distributed Management Task Force, Inc. (DMTF)
- Fast Payments Initiative
- FASTR Inc (formerly Automotive Security Review Board, Inc.)
- Green Building Initiative
- HomeGrid Forum
- Ivy Foundation's Genomics Based Medicine (GBM) Project
- The Khronos Group
- Linux Foundation
- Linux Kernel Organization, Inc.
- Linux Mark Institute (LMI)
- MIPI Alliance, Inc. (MIPI)
- National Council for Prescription Drug Programs Standards (NCPDP)
- Open Data Center Alliance, Inc. (ODCA)
- Open eBook Forum (OeBF)
- OpenID Foundation
- OCP International Partnership Association, Inc. (OCP-IP)
- Open Modeling Coalition (OMC)
- Open Source Development Lab, Inc.
- Open PDK Coalition
- Open System C Initiative (OSCI or System C)
- Optical Internetworking Forum (OIF)
- Oregon Nanoscience & Microtechnologies Institute (ONAMI)
- Payment Card Industry Security Standards Council (PCICO)
- PKI Forum, Inc.
- Power Forward Initiative
- Smart Battery Implementers Forum (SBS-IF)
- Special Interest Group for IAS Standards (SIGIS) (formerly IAS Standards Interest Group)
- SPIRIT Consortium
- Testicular Cancer Commons Collaboration
- Third Generation Codec Forum (3GCF)
- UPnP Forum/UIC
- ULPI SIG
- Issues related to the merge of Wireless Gigabit Alliance, Inc. into the Wi-Fi Alliance

V. KEY ATTORNEYS PROVIDING LEGAL SERVICES TO TECHNOLOGY CONSORTIA CLIENTS

The following lists the firm's main attorneys who provide legal services to standards-setting organizations and other global technology consortia and the technology companies that participate in these organizations:



FRANK X. CURCI (Primary Responsible Attorney) – Frank is a technology and intellectual property attorney who represents a broad range of technology-based companies and other entities in the high tech industry. He has earned a national reputation representing entities regarding the formation of, and on-going issues related to the operation of, global technology consortia, including standards-setting organizations and other multi-party technology industry initiatives. Frank represents some leading technology companies regarding their participation in these technology consortia. He also serves as main outside counsel to a number of these global technology consortia/standards-setting organizations. He co-authored an article entitled “*The Expanding Role and Importance of Standards in the Information and Communications Technology Industry*,” which was published in the American Bar Association’s *Jurimetrics* journal. In 2016 he helped to co-found the “*Portland Standards Series*”, which is an ongoing series of presentations by panelists about topics relevant to standards organizations and other technology consortia. He regularly lectures on issues relevant to technology consortia. He has received *The Best Lawyers in America*® recognition in the Technology Law field from 2009 to 2017. Frank leads Ater Wynne’s Standards and Technology Consortia Practice.



L. DAVID CONNELL – David's practice focuses on tax, corporate and nonprofit law. David has a strong emphasis regarding the representation of a variety of nonprofit and other tax-exempt organizations, including standards organizations and other industry consortia, other trade groups, and educational organizations. David has provided corporate and tax counseling to a number of nonprofit corporations which hold and/or promote open source software. David regularly assists these nonprofit and tax-exempt organizations regarding corporate formation, corporate governance, tax matters (including IRS tax-exempt status applications), and other transactional matters.



ERNIE BOOTSMA – Ernie represents technology-based companies, ranging from startups to global companies, as well as standards organizations and other technology consortia, regarding a wide range of business matters, including corporate governance, finance, and intellectual property matters. His work for these clients includes planning and counseling clients regarding intellectual property protection and maintenance, structuring and implementing strategic IP licensing matters, and forming strategic technology collaborations and alliances (including standards consortia). Ernie also represents clients regarding the overall protection and use of their intellectual property rights in the U.S. and worldwide.



AKANA K. J. MA – Akana, who chairs the firm’s Global Trade Group, represents clients, including standards organizations, from around the world regarding a wide range of business transactions. More specifically, he counsels companies conducting business in the global marketplace to license and protect technology, trademarks, software and other intellectual property; help structure international joint ventures; comply with foreign laws and regulations; contract for the sale/distribution of products and services; establish foreign offices; license and finance exports; comply with customs and import laws and regulations; and negotiate multi-national commercial contracts. Akana has practiced international law for more than 20 years and has developed a wide network of attorneys that he works with around the world.



LORI IRISH BAUMAN – Lori provides antitrust representation to clients in diverse fields, including trade associations/consortia, software developers, and manufacturers. In particular, she has experience representing trade associations/consortia, including the Open Source Development Labs (now known as the Linux Foundation), the Green Building Initiative and the Wood Products Council, regarding the development of their antitrust policy, appropriate communications among association members, and additional antitrust matters and compliance. She is editor and primary author of the Northwest Business Litigation blog, which for more than six years has consistently addressed major antitrust issues.



BRENDA AYERS – Brenda is a Senior Corporate Specialist in Ater Wynne’s Business Group. She has assisted over the last 20 years with the firm’s representation of a broad range of technology-based companies, emerging growth companies, nonprofit and tax-exempt organizations. Brenda has extensive experience working with standards organizations in the corporate formation, corporate maintenance and compliance, IRS tax-exempt application process as well as mergers and acquisitions.



MOLLY EDWARDS – Molly is an Intellectual Property Specialist in Ater Wynne’s Intellectual Property Group. She has extensive experience working in the intellectual property arena, including performing trademark clearance searches, prosecution of domestic and international trademarks, and administration of clients’ world-wide trademark portfolios. Molly is also knowledgeable with domestic and international patent prosecution, as well as administration of U.S. copyrights. She has worked extensively within the technology community, including representing standards organizations regarding their worldwide trademark portfolios.