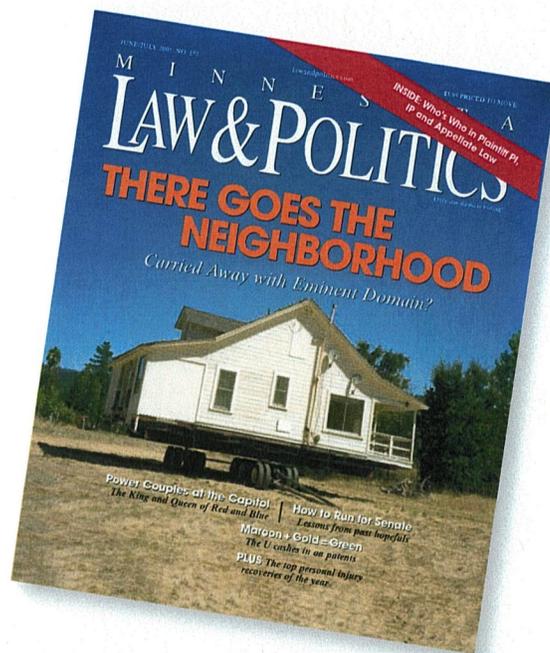


As Seen in the
June/July 2005 issue of
Minnesota Law & Politics



► SPECIAL FOCUS: **INTELLECTUAL PROPERTY**

A (COMPUTER) CHIP ON THEIR SHOULDERS



The legal Geek Squad — Brad Engdahl, Bill Manning, Eric Jackson and Matt Woods — built a courtroom replica to prepare for trial

Robins Kaplan lawyers go to school to learn computer engineering — and end up with a landmark patent-infringement settlement on behalf of Intergraph Corp.

By Rebecca Boever

Photography by Larry Marcus

Every morning millions of people arrive at their offices, cup of coffee in hand, and turn on their computers. Few, if any, think about the process that takes place within the computer enabling them to search the Internet, write a paper or download music. The speed with which computers can perform these functions is remarkable. But technology hasn't always been this fast. It took years and years of innovative thinking by computer scientists to enable the speed of today's machines. Just what was this process? Does anyone really understand the technology behind today's high-performing desktops?

The litigation team from Robins, Kaplan, Miller & Ciresi (RKMC) that represented Intergraph Corp. in a patent

infringement case against Hewlett-Packard does. In fact, the team of A. James Anderson, Brad Engdahl, Eric Jackson, William Manning and Matthew Woods not only learned the minute details of computer engineering, but learned it well enough to teach it to a jury — people with no technical knowledge about computers. And the team members learned it so well that last January they secured a \$141 million settlement from HP for Intergraph.

But the litigation team never had the chance to show off its newfound computer knowledge in court. “This case settled before there was any trial and before there were any appeals,” says Manning, lead attorney on the team. “Many times in patent cases, a settlement of this size would not occur before there was at least an appeal of some ruling by the court.” The team was ready to go to court, but because of its intense preparation, that never happened.

The patent infringement dispute involved technology contained in Intergraph Corp.’s Clipper Chip that was being used in the Pentium processors sold by Hewlett-Packard. The technology allows computers to function at a rapid pace by managing the flow of data between the various memory systems and the computer’s central processing unit. Prior to the invention of the Clipper Chip technology, a computer would have to wait for data to process between three different memory locations. Only one piece of memory could process at a time, but the chip allowed for simultaneous information processing.

The result? A much faster, more efficient computer. “We take so much for granted when we push that button and boot up our computers, and we do it so casually nowadays and it has become a staple of our lives,” says Woods, who worked on proving liability and infringement. “So much about this case was historical, about turning back to a time when most things weren’t standard. We’re deal-

ing with a lot of people who really created the landscape upon which we all now rely and take for granted.”

The creators of the technology within the Clipper Chip are Howard Sachs and James Cho, and it was from them that the litigation team from Robins Kaplan gleaned much of its knowledge. “Working with people like Howard Sachs and James Cho, who are such wonderful people and so brilliant, and trying to convey some of that brilliance — it’s exciting and a lot of fun,” says Woods.

But before they could convey the brilliance of the inventors, the litigation team had to learn the invention. That translated into a three-year exhaustive process learning computer engineering. “What we did is what we as a firm do with complexity. We very respectfully hire the best people in the country and start asking a lot of simple questions,” says Manning. “You read a lot of books, a lot of things about computer micro-architecture.”

So they learned about the workings of a computer. But learning something and being able to commu-

nously complicated, involving algorithms and things that are, frankly, hard for the common person — meaning us — to read. But that’s what we need to do is explain them to the jurors.”

In preparation for the case, they built a replica, with precise dimensions, of the courtroom in which their trial would take place. “We usually do things like that on more of an informal basis. This one was a little bit more formal,” says Manning. “Because of all the technology and all of what we were going to have to do in a small space, we were going to get it right beforehand.”

The courtroom reproduction was complete with a jury box, witness stand, judge’s bench and council tables. “I think one of the real strengths of this law firm in general is that we prepare cases for trial, not for settlement, which is a very different attitude,” says Manning. “We always expect it to go to trial and always think toward the trial, then if the settlement happens, it happens. But it happens because you are ready for trial.”

Their preparation paid off, as it has before for Intergraph. With this settlement, the total that Robins Kaplan has achieved for Intergraph Corp. is \$396 million. Prior settlements were reached with Dell Inc. and Intel Corp. for \$225 million, with Gateway Inc. for \$10 million and future royalties on Gateway Inc. and eMachines Computer Systems sales, with IBM for \$10 million and a cross license, and with Advanced Micro Devices Inc. for \$10 million plus up to \$5 million per year for three years.

The settlement with Hewlett-Packard happened just two weeks before the scheduled trial date. “In my mind, what was the most fun about it was to take enormous complexity and tell a simple story,” says Manning. “That may look easy from where we’re sitting today, but I can tell you that we had many a moment when we were wringing our hands, trying to get from the complexity that was difficult to understand to get to a place where we can tell a story. Ultimately, everything can be reduced to a simple story, it just takes time.” **L&P**



nicate it are two different things. After their years of learning, they had to turn around and teach a jury the intricacies of the three patents in question. Simplifying the invention was a grueling process, and even the simplified statement would require a lot of detailed explanation to the jury. When handling a case like this, the patents can become quite intricate. “All three [patents] are 40 pages long,” says Manning. “They’re enor-