

# Technology & Telecommunications

## Overview

We represent technology companies and companies that use technology. Our tech clients include software, hardware, mobile, cloud computing, app developers, software as a service, systems integrators, telecom and communications companies – from start-ups to the Fortune 500 companies.

Legal matters we routinely handle include:

- License agreements
- Technology transfer and collaboration agreements
- Software as a Service (SaaS) agreements
- Hosting agreements
- Software and other intellectual property development agreements
- Copyright filings
- Trade secret protection
- Confidentiality agreements and NDAs
- Trademark registration
- Intellectual property litigation, including lawsuits regarding the following:
  - Infringement of intellectual property rights
  - Violation of non-competes
  - Theft of trade secrets and confidential information
- Website and app privacy policies and terms of services
- Technology manufacturing agreements
- Product warranties
- OEM/white-label/reseller/distribution arrangements
- Venture capital and private equity financings
- Mergers and acquisitions
- Equity compensation and stock option plans

## **BANKRUPTCY, RESTRUCTURING & INSOLVENCY**

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group has extensive experience representing all major constituencies in bankruptcy, restructuring and insolvency matters. We are adept at every facet of the bankruptcy and restructuring process, which allows our clients to better evaluate possible outcomes, develop strategies, assess risks and ultimately plan for the future.

## **CORPORATE & SECURITIES**

We represent dynamic, growing businesses in transactions and other matters that are critical to their success. Our services include mergers and acquisitions; venture capital; private equity; family office investments; business succession planning; technology contracts and intellectual property licensing; corporate governance and special board committees; securities offerings and capital raises; outsourced counsel services; executive compensation; joint ventures; and transactional tax planning and tax controversies

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## FINANCE

When clients partner with Munsch Hardt, they partner with some of the best and most experienced finance attorneys in the industry. In fact, there are few law firms involved in as many complex lending transactions as Munsch Hardt. Our Finance attorneys represent lenders from a variety of disciplines within the industry, including banking institutions, non-regulated lenders, private equity and hedge funds, as well as domestic and foreign financial institutions, in a broad range of transactions.

## IMMIGRATION

Our Immigration attorneys represent engineering, technology and telecommunications companies with obtaining work permits and visas for hiring, transferring and training employees in the U.S. We also provide counsel on I-9 issues, hiring and termination decisions with regard to foreign nationals, employer sanctions and anti-discrimination matters.

## INTELLECTUAL PROPERTY

When it comes to representing technology and telecommunications companies, our Intellectual Property practice is capable of protecting assets both in the boardroom and in the courtroom. Our transactional teams represent emerging companies, both domestic and international, in their negotiations with much larger companies, structuring and negotiating corporate partnering and strategic alliance transactions; R&D deals; licensing, marketing and OEM agreements; distribution/agency contracts and joint ventures. Our attorneys also litigate patent, trade secrets, antitrust and other complex commercial cases involving a full spectrum of technologies — from the protocols, systems and networks to the architecture, software and features of computer semiconductors.

## LABOR & EMPLOYMENT

We guide our clients through common employment issues, such as policies, training and benefits, as well as issues that are of importance to our clients' industries, such as enforcement of non-competes and protection of trade secrets. In addition, we represent our clients' interests in labor relations, achieve compliance with Equal Employment Opportunity Commission (EEOC) regulations and defend against claims of wrongful termination, discrimination and retaliation.

## LITIGATION

From wireless handset manufacturers and international telecommunication companies to semiconductor production companies, software developers and credit reporting agencies, our extensive knowledge of the technology and telecommunications sector distinguishes us and gives our clients an edge in a highly competitive market. Munsch Hardt's Litigation team regularly represents clients in regards to warranty disputes, consumer protection and consumer credit matters, insurance coverage issues and class action defense. We also aggressively protect our clients' most valuable assets and enforce their rights in disputes regarding patents, trade secrets, trademarks, copyrights and IP-antitrust.

## REAL ESTATE

Most companies engaged in the technology & telecommunications industries require significant real property holdings to conduct their business. We help our clients with the acquisition, development, financing, leasing and sale of the real estate necessary for operations – from the office space needed for a headquarters, to industrial buildings for manufacturing, distribution, data storage and/or call centers.

## TAX

Our Tax attorneys have deep expertise representing technology and telecommunications companies with respect to their tax issues. We routinely handle matters for our technology and telecommunications clients with respect to tax issues arising from operations and tax issues that arise in the transactional setting, including taxable and tax-free acquisitions and dispositions, reorganizations, recapitalizations, financings, structure of real estate investments and structure of incentive compensation arrangements for key employees. Our Tax team is also experienced in handling tax disputes both at the federal and state levels, and has a keen sense for tailoring negotiation strategies to obtain favorable resolution of disputes effectively and efficiently.

## Experience

### Asset Acquisition

Represented Texas Instruments Incorporated in a series of acquisitions totaling \$300 MM for specialized tooling involving the production of 300 mm computer chips being sold by Qimonda Richmond, LLC that filed for Chapter 11 bankruptcy in Delaware. The tooling was originally purchased by the debtor for \$3.5 B. *Electrical Engineering Times* described TI's acquisition as "a stunning discount."

### Best Real Estate Deal

Represented the U.S. subsidiary of a Japan-based data center company in its acquisition and development of a new data center in Garland, Texas, which acquisition included a tax incentives agreement and various easement agreements. The transaction was awarded the 2015 Best Real Estate Deal – Data Centers, by the *Dallas Business Journal*.

### Entity Formation

Represented a newly-formed company that designs, develops, manufactures and distributes custom designed micro-processors for radio communication applications. This engagement involves establishing a U.S.-based holding company and addressing legal issues related to its capital structure with investors from the U.S., Netherlands and Taiwan. Initial operations will be through a wholly-owned Netherlands subsidiary, which is the primary location for customized micro-processor design, in cooperation with Dutch legal counsel.

### Contract Counsel

Drafted a product limited warranty, arbitration agreement and class action waiver used by one of the largest telecommunications companies in the world for all of its mobile products.

### Traditional Labor Law

Represented technology companies in their collective bargaining negotiations and contract administration when acquiring and operating non-union facilities in the same geographic area. The companies have successfully maintained double-breasted operations for almost a decade.

### Unsecured Creditor Representation

Represented Fujitsu Network Communications in the Chapter 11 cases filed by Adelphia Business Solutions, Inc. and its affiliates, and in the separate Chapter 11 cases filed by Adelphia Communications Corporation and its affiliates, in the United States Bankruptcy Court for the Southern District of New York. Adelphia Business Solutions and its affiliates were leading providers of facilities-based integrated communication services to customers throughout the United States. Adelphia Communications and its affiliates were the sixth largest operators of cable television systems in the United States.

## SaaS Agreement

Represented a Dallas, Texas-based provider of medical billing systems for pediatric clinics and hospitals. Our engagement involved the review and revision of a SaaS Master Services Agreement for a new billing system for its pediatric clinics between the company and a 32-hospital chain based in Florida.

## Immigration Counsel

Successfully represented a software development company in complicated governmental Request for Evidence (RFE) for the company's manager. The manager had at least two prior immigration denials and this was his and the company's last chance to get him to come to the U.S. for a key project.

## IP Litigation

Served as local counsel for defending an international technology and telecommunications company in a patent case in the Eastern District of Texas.

## Industrial Leasing

Represented the industrial developer in a build-to-suit lease for one of the world's leading medical technology companies. The lease covers 24 acres of land with a 250,000 square foot building, as well as multiple outdoor amenities.

## Practice Leaders



**James Jordan**

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## Robert Kibby

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### Related People

Phil Appenzeller  
Clifton Beech  
Grant Beiner  
M'Lou Bell  
John Cornwell  
William Zac Duffy  
William Finegan  
Mark Girtz  
A. Michael Hainsfurther  
Matt Holley  
Michael Huddleston  
Winston Huff  
Jon Hyland  
Christopher Johnson  
James Jordan  
Robert Kibby  
Nolan Knight  
Mark Kopidlansky  
Kevin Lippman  
Peter Lorenzen  
Nathaniel Martinez  
David Mattka  
Keith McDole  
D. Mitchell McFarland  
James McGee  
Elvia Munoz  
Jay Ong  
Irina Plumlee  
Justin Ratley  
James Ray  
David Roth  
Courtney Sauer  
Devon Sharp  
Christopher Speer  
Glenn Valentine  
W. Phillip Whitcomb

Steven Williams  
Austin Wyker

## Related Practices

Bankruptcy, Restructuring & Insolvency  
Corporate & Securities  
Finance  
Immigration  
Intellectual Property  
Labor & Employment  
Real Estate  
Tax  
Litigation  
Environmental

## Related Industries

Construction  
Energy  
Health Care  
Hospitality  
Insurance  
Manufacturing

## Newsroom

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**In The News:** Early Prep Smoothed Dallas Firms' Transition To Remote Work

**In The News:** 9 CCPA questions every CISD should be prepared to answer

**In The News:** Leo India Films Order of Dismissal

**In The News:** 5th Circ. Won't Nix \$1.4M Arbitral Award To Taiwanese Co.

**Article:** Cyber Resilience and the Importance of a Plan: How Law Firms Can Defend Against Cybersecurity Risks

**Article:** Texas Tackles the TCPA

**Speech:** Blockchain Technology & Cryptocurrencies

**In The News:** Talking TCPA: What is the Best-Case Scenario for Mitigating Illegal Robocalls?

**Press Release:** Munsch Hardt Adds Seasoned Investment Management Partner in Dallas, Litigation Associates in Houston

**Article:** Telemarketers, and Scammers and Robocallers, Oh My!

**In The News:** Data Breach Legislation Proposes Jail Time for CIO, HR Execs

**Article:** Does Your Trade Secret Attorney Know Patents?

**In The News:** Williams Shares Insights On Cybersecurity With Managed Healthcare Executive

**Article:** The Top Blockchain Patents of 2018

**Article:** CRE Opinion: Autonomous Vehicles and DFW Real Estate

**Article:** Jim Jordan Offers Tips on Drafting Autonomous Vehicle Contracts in Law360

**Press Release:** Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

**Article:** Who's Liable For A Crash When It's The Car Driving?

**Article:** Business, Technology and the Law

**Speech:** Regulatory and Legal Views of the Payments Landscape

**In The News:** T-Mobile, Samsung Escape Texas Suit Over 911 Death

**Press Release:** Munsch Hardt Litigation Attorney Promoted to Shareholder

**In The News:** Austin Legal Market Comes Of Age As Tech Drives Growth

**In The News:** Reservoir Exploration Files for Chapter 11 with Plan

**Article:** Successfully Defending Against False Marking Claims