



HOG FENTON
Hoge Fenton Jones & Appel
Attorneys at Law | Founded in 1952

Tech Transactions Workouts

Hoge Fenton's Intellectual Property Group -- both its transactional attorneys and litigators -- has decades of experience going back to Silicon Valley's formative years in structuring, negotiating, and litigating disputes regarding complex technology transactions for clients from startups to global companies. As part of those services, we frequently assist clients in renegotiating their derailed tech transactions to get them back on track short of litigation.

After a technology agreement is signed, no matter how well drafted it is, things can go awry. When the parties have a disagreement, unless the relationship is quickly put back on course it can result in the parties' ongoing relationship becoming irreparably damaged and/or litigation between them, either of which may result in substantial expenses and opportunity costs. Given the frequent uncertainty of technology development and commercialization and the speed with which the industry evolves, many contracting companies find themselves in this precarious situation all too often.

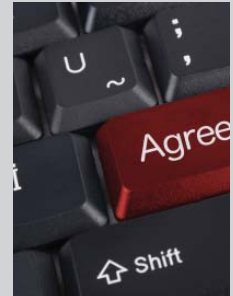
When tech transactions go off-track, there is a phase between the execution of the contract and the commencement of litigation when one or both parties' expectations are not being met by the other party's performance, but the parties have not yet given up on the relationship. If a nascent dispute can be resolved at this point, the parties can avoid the expense and delay of litigation and the damage to their future relationship that inevitably results. If successful, such a workout may involve the parties amending their original contract or replacing it with a renegotiated contract.

Hoge Fenton's team is expert at assessing issues between companies that are in the course of performing their obligations under all types of technology agreements, including:

- development agreements
- license agreements
- distribution agreements
- VAR and OEM agreements
- non-disclosure agreements
- joint venture agreements
- strategic alliance agreements
- outsourcing agreements

We have deep and long-standing experience in both the negotiation and renegotiation of technology transactions of all kinds and the litigation of transactions gone wrong. Our tech transactions workouts team focuses on the early resolution of disputes in a cost-effective manner. Having both a transactional lawyer and a litigator involved in the initial assessment of the dispute provides great benefit: our clients receive strategic advice from an attorney who specializes in building and maintaining business relationships between companies, as well the perspective of an attorney who is both experienced in asserting a company's legal rights after a relationship has broken down and mapping out an appropriate strategy for anticipating such litigation in the event that a consensual workout is not accomplished. This team approach increases the likelihood that the issues will be resolved short of costly litigation.

We help our clients by facilitating their return to a cooperative and mutually productive relationship with their own strategic business partners.



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