



Anthony P. Schoenberg

Partner

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Anthony “Tony” Schoenberg is chair of our Business Litigation Group. In this role, he is involved in the development of strategy, staffing cases, planning, and collaborating with all the litigators at the firm. He is also responsible for oversight of all the firm’s *pro bono* litigation.

In his litigation practice, Tony focuses on all aspects of real estate litigation, as well as contractual arbitrations, and trade secret issues. His cases are roughly split between California and federal courts, and his clientele is a mixture of large technology companies, small private companies, and high net worth individuals.

Tony’s approach to disputes is practical-minded. He emphasizes the overriding importance of each client’s strategic objective, which is to get the problem, issue or situation at hand resolved as sensibly as possible. His cases are managed with this in mind—he is sensitive to the number of hours he bills his cases and the attorneys staffed on any particular matter. He knows from experience that trying cases means risk and expense for his client. Accordingly, although Tony is an aggressive, effective, and successful trial attorney who is certainly happy to take a fight to court if he has to, he will seek a better solution if one can be arrived at. Decades of experience have given Tony a strong sense of the right way to approach each case, including staffing and management, to meet his clients’ objectives.

He’s litigated an exceptionally broad range of matters, much of it related to real estate-related disputes. These have ranged from allegations of fraud arising from an urban real estate project to breach of contract connected to a large agricultural land purchase to arbitration arising from construction of one of the world’s largest solar power plants. Outside of real estate matters, he has also litigated numerous trade secret cases, disputes over software development agreements, and more.

A seasoned, senior and strategic trial lawyer, Tony is valued by his clients for his ability to focus his work on what really matters, and avoid losing sight of the forest for the trees. Nobody actively seeks out litigation—at best, it’s a necessary evil. That being said, Tony’s counsel helps his clients minimize the distraction and expense attendant upon disputes. He is that rarest of creature—a trial attorney who knows firsthand when it’s time to go to court, but also knows when it’s time not to.

Distinctions

- 2016 California Lawyer Attorneys of the Year (CLAY) Award for his court victory representing the City of Sunnyvale in its successful opposition to a Second Amendment challenge.

Memberships and Affiliations

- Former Member, Litigation Section Executive Committee, Bar Association of San Francisco
- Chair, Immigration Task Force, Bar Association of San Francisco

Services

- Business Litigation
- Copyright
- Intellectual Property Litigation
- Internet Law
- Privacy and Cybersecurity
- Cannabis
- Real Estate
- Renewable Energy and Clean Technologies

Education

- Hastings College of the Law (J.D., 1998)
 - *magna cum laude*; Senior Notes Editor, *Hastings Law Journal*; Order of the Coif; Thurston Society
- University of California, Berkeley (1992)

Bar Admissions

- California

Court Admissions

- 9th U.S. Circuit Court of Appeals
- U.S. Supreme Court
- U.S. District Court (C.D. Cal.)
- U.S. District Court (E.D. Cal.)
- U.S. District Court (N.D. Cal.)
- U.S. District Court (S.D. Cal.)

Clerkships

- U.S. District Court (N.D. Cal.), Sandra Brown Armstrong

Experience

United Commercial Bank

Defending former officer of failed bank in defense of securities class action, bankruptcy trustee action, FDIC enforcement and administrative actions and related government investigations. *Cho v. UCBH Holdings, Inc.*, et al., Northern District of California, CV-09-4208-JSW; CV-09-4429-JSW; CV-09-4449-JSW; CV-09-4513-JSW; CV-09-4505-JSW

Atmel Corporation v. Ericsson

We represented Atmel, a leading semiconductor manufacturer, in a multi-week arbitration through which we obtained an award of over \$43 million arising from Ericsson's misappropriation of Atmel's patented AVR microcontroller technology and Ericsson's multiple breaches of the parties' license agreement. The International Centre for Dispute Resolution, International Arbitration Tribunal also awarded Atmel a permanent injunction prohibiting Ericsson from continued misappropriation of Atmel's proprietary technology.

Fyock v. City of Sunnyvale

Defeated a Ninth Circuit appeal of the district court's denial of a preliminary injunction motion in a high-profile case challenging a local gun safety ordinance on Second Amendment grounds, including defeating requests for an emergency stay of the ordinance made to the Ninth Circuit and then the U.S. Supreme Court. 779 F.3d 991 (9th Cir. 2015)

Disney Enterprises, Inc. et al. v Hotfile Corp., et al.

We represent an internet file-hosting company against copyright infringement claims brought by five major movie studios in federal district court in Florida. The case involves cutting-edge issues of law under the DMCA, the Stored Communications Act and the Copyright Act in the cloud-computing context.

SEC v. Leslie

We represented a former software company CEO in defense of a civil enforcement action brought by the SEC alleging accounting improprieties. After obtaining a ruling on summary judgment that significantly narrowed the claims against our client, we negotiated a favorable settlement with the SEC.

United Commercial Bank

We represent a former bank executive in multiple lawsuits and administrative proceedings stemming from a high-profile bank failure, including breach of fiduciary action and an FDIC investigation regarding claims of more than \$500 million.

Publications

August 1, 2013

Advancing the Right to Civil Counsel

July 15, 2013

Selling Your Digital Media Made (Not) Easy

February 5, 2013

The California Supreme Court Loosens Restrictions On Internet Retailers

December 6, 2012

The First Sale Doctrine Under Copyright Law - Kirtsaeng v. John Wiley & Sons

November 28, 2012

Northern District of California Issues New Guidelines and Model Order on E-Discovery

June 2, 2011

Court Establishes Willful Blindness Standard for Induced Patent Infringement

January 1, 2011

To Preserve and Protect

October 7, 2010

Ten Trial Tips for Litigators

October 5, 2010

E-Discoveries: Steps for Avoiding Sanctions

July 13, 2009

New California E-Discovery Rules Take Effect Immediately

August 26, 2008

Avoiding E-Discovery Disasters

Avoiding E-Discovery Disasters - PDF

April 13, 2008

Attorney-Client Communications Sent Over Employer E-Mail Systems May Not Be Privileged

Attorney-Client Communications (PDF)