



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

- Member, Board of Directors, Bar Association of San Francisco (2022-2024)
- Former Member, Litigation Section Executive Committee, Bar Association of San Francisco
- Former Director, Justice and Diversity Center of the Bar Association of San Francisco
- Chair, Immigration Task Force, Bar Association of San Francisco

Services

- Business Litigation
- Copyright
- Cannabis
- Data Center
- Engineering, Procurement, and Construction
- Intellectual Property Litigation
- Internet Law
- Privacy and Cybersecurity
- Real Estate
- Real Estate Litigation
- Renewable Energy

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

Integral Development Corp. v. Viral Tolat

We defended the co-founder and former Chief Technology Officer of a software company against claims alleging trade secret misappropriation (among others) after he took a position with a rival company. Our vigorous defense of this matter included a successful summary judgment motion and opposing an appeal that followed.

Nevada Links Wins Summary Judgment Motion in Case Brought by United States

Successfully defended client against a \$100 million lawsuit brought by the United States alleging that a land lease between Nevada Links and Clark County violated the Southern Nevada Public Land Management Act administered by the Bureau of Land Management. Following more than three years of litigation, the U.S. District Court District of Nevada granted Nevada Links' summary judgment motion, agreeing with the Farella team's position that the statute of limitations had expired before the United States filed suit.

Real Estate Developer Representation

Represented real estate developer through four week jury trial in San Francisco Superior Court, involving claims of rescission, breach of contract, and fraud.

First Solar v. Hotline

Represent First Solar in arbitration and litigation related to Engineering, Procurement, and Construction (EPC) contracts on utility scale solar projects.

PV Hardware: McCarthy

Represent PV Hardware in pre-litigation dispute and mediation process concerning damage to solar power plant following wind storm.

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)

Publications

August 8, 2021

California's Approach to Eviction Moratoriums
CIRE Magazine

June 15, 2021

Eviction Moratoriums and Commercial Leasing: Current Issues

Real Estate Industry Education Series

March 24, 2021

Eviction Moratorium Updates for Nonprofits

Nonprofit Education Series

February 4, 2021

Eviction Moratorium Updates for California Commercial and Residential Landlords

September 17, 2020

What Nonprofits Need to Know About Landlord-Tenants Relationships and Insurance

Nonprofit Education Series

September 3, 2020

Landlord-Tenant Dispute Resolution

Real Estate Webinar Series

June 2, 2020

Cannabis Disputes: How to Minimize Your Litigation Risks

Cannabis Industry Education Series

April 1, 2020

San Francisco Bay Area Counties Issue Stricter Limits on Commercial Activities in Updated COVID-19 Shelter-In-Place Orders

March 24, 2020

Is Your Business an “Essential Business”? Navigating California State and County COVID-19 Shelter-In-Place Orders

8/1/2013

Advancing the Right to Civil Counsel

7/15/2013

Selling Your Digital Media Made (Not) Easy

2/5/2013

The California Supreme Court Loosens Restrictions On Internet Retailers

12/6/2012

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

11/28/2012

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

6/2/2011

Court Establishes Willful Blindness Standard for Induced Patent Infringement

1/1/2011

To Preserve and Protect

10/7/2010

Ten Trial Tips for Litigators

10/5/2010

E-Discoveries: Steps for Avoiding Sanctions

7/13/2009

New California E-Discovery Rules Take Effect Immediately

8/26/2008

Avoiding E-Discovery Disasters

Avoiding E-Discovery Disasters - PDF

4/13/2008

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

Attorney-Client Communications (PDF)