



## Anthony P. Schoenberg

Partner

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Tony Schoenberg is a first-chair trial lawyer and litigator with more than 20 years of experience handling high-stakes business cases. He has handled numerous commercial real estate disputes. He also routinely represents technology companies in complex litigation, most recently winning a two-week trial on behalf of a smart meter technology company that was sued for more than a billion dollars by a licensor.

Tony's experience includes:

- Leading his team to a complete defense victory at trial on behalf of a smart meter technology company against billion-dollar damage claims asserted by a technology licensor.
- Representing a real estate developer through a four-week jury trial in San Francisco Superior Court, involving claims of rescission, breach of contract, and fraud.
- Obtaining summary judgment in favor of a natural stone manufacturer against multimillion-dollar business tort and real estate claims.
- Successfully representing a real estate developer through summary judgment and appeal, leading to a hugely advantageous settlement of a \$100 million claim.
- Securing his client's dismissal from a lawsuit alleging fraud in a \$60 million real estate transaction.
- Representing a chip maker in an arbitration involving a technology license dispute resulting in a \$43 million award for his client.
- Representing a high-rise owner in an arbitration against a technology company leading to an outstanding settlement less than 24 hours before the start of the arbitration hearing.

In the legal community, Tony is a member of the Bar Association of San Francisco's (BASF) Board of Directors. He is a former director of BASF's Justice and Diversity Center and a former member of the Litigation Section Executive Committee. Tony received a 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.

Tony has held numerous leadership positions at Farella, including serving four years as chair of the firm's Business Litigation Group. In addition, for the past decade, he has overseen the firm's pro bono litigation practice.

### 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 Director, Justice and Diversity Center of the Bar Association of San Francisco
- Former Member, Litigation Section Executive Committee, Bar Association of San Francisco

### Services

- Business Litigation
- Real Estate Litigation and Dispute Resolution
- Intellectual Property
- Internet Law
- Cannabis
- Copyright
- Engineering, Procurement, and Construction
- Real Estate
- Wine Industry Litigation

### Education

- University of California College of the Law, San Francisco (formerly UC Hastings) (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

### **Trial Victory for Smart Meter Technology Company**

Defended a smart meter technology company in a federal bankruptcy court bench trial against billion-dollar damage claims asserted by a technology licensor. Following the two-week trial, the court found for our client on all counts, not only rejecting the licensor's damage claims but fully vindicating our client's rights under the license agreement.

### **Defense of Business Tort and Real Estate Claims**

Tony led a team that defended the owner of a large commercial facility against business tort and real estate claims brought by a cannabis start-up that sought \$15 million in damages. The Farella team's vigorous defense completely turned the tables on the plaintiffs, resulting in the court not only granting summary judgment against nearly all of the plaintiffs' claims but affirmatively awarding Farella's client more than \$1 million in damages based on the plaintiffs' contractual breaches.

### **Representation of High Rise Owner In Cutting Edge Real Estate Dispute**

Tony led a team in its representation of the owner of a high-rise office building in downtown San Francisco in California state court litigation and parallel arbitration proceedings against a technology company that willfully defaulted on its commercial lease at the start of the pandemic. This case was among the first to address the viability of COVID-related contractual defenses. Tony's tenacious representation resulted in the court awarding numerous writs of attachment to his client against the technology company, ultimately leading to a highly advantageous settlement less than 24 hours before the start of the final arbitration hearing.

### **Defense of Nevada Links**

Tony led a team that defended Farella's 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. After more than three years of litigation, including summary judgment and an appeal, they negotiated a superb settlement for the client.

### **Atmel Corporation v. Ericsson Victory**

Tony was part of a team that represented Atmel, a leading semiconductor manufacturer, in a multi-week arbitration through which the Farella team obtained an award of over \$43 million in damages on behalf of Atmel arising from the misappropriation of its microcontroller technology by its licensee.

## 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)*

