

# ANDRÉ BRUNEL

MANAGING PARTNER



## AREAS OF CONCENTRATION

- Technology Agreements
- Commercial Agreements
- Intellectual Property Counseling
- E-Commerce & Data Privacy
- International
- Dispute Resolution & Commercial Litigation

## PRACTICAL EXPERIENCE

André combines both large law firm, partner-level experience with the business, executive, and technical experience that comes with serving as the first General Counsel for both a technology startup and an established technology business. André draws extensively upon that experience while serving as the outside General Counsel for technology companies that range from startups to multinational corporations.

Throughout his career, André has worked on every type of technology transaction, from complex software licensing deals to cutting-edge cloud computing transactions, involving a wide range of technologies, e.g., social, software, Internet, hardware, and photomasks, in a broad array of industries, such as mobile software, software games, Internet portals, media (including content providers, entertainment, and broadcasters), hospitality, semiconductors, hardware test &

## CONTACT

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**Bar Admissions:**

Texas and California

## EDUCATION

- LL.M., with Honors, in Commercial and Corporate Law from the University of London,

Queen Mary & Westfield College.

- J.D., with honors, from the University of Texas School of Law and was elected to the Order of the Coif. He was the Chief Articles and Notes Editor of the Texas International Law Journal.
- Masters in Public Affairs, with Highest Honors, from The University of Texas L.B.J. School of Public Affairs, where he ranked first in his class.
- Fulbright Scholarship to perform research in Krakow, Poland. He also studied on a scholarship for a year at Ludwig-Maximilians-Universität in Munich, Germany.
- B.A. from Georgetown University, magna cum laude. While at Georgetown University, he was elected to the Phi Beta Kappa National Honor Society and selected as a Baker Scholar.

## ARTICLES WRITTEN & SPEAKING ENGAGEMENTS

André has given numerous presentations to professional organizations about legal and business issues regarding technology and intellectual property. He has authored many articles, including:

- André Brunel, "Hiring Partners Should Consider In-Housers' Skills When Recruiting," 23:24

measurement, ruggedized laptops, finance, IT outsourcing, and education.

In his General Counsel role, André has managed the full gamut of legal challenges faced by technology companies with facilities throughout the world, especially in Europe and Asia. Examples of typical G.C. legal challenges include labor disputes, transfer pricing, tax abatement, corporate board matters, startup financing, mergers and acquisitions, marketing communications, Foreign Corrupt Practices Act, patent troll extortion, patent and trademark portfolio management, RIFs, trade secret compliance programs, crisis management and public relations, software copyright registration, open source software, executive compensation, ethics compliance, corporate privacy policies, employee benefits, annual audit letters, domestic antitrust and EU competition analysis, real estate leases, insurance litigation, starting up, expanding, and winding down foreign facilities, and E.U. privacy compliance, including GDPR.

Examples of atypical challenges André has managed in his General Counsel role include bankruptcy claims sales, export controls (EAR and ITAR) and embargoes (OFAC), litigation before the Supreme Court of a foreign nation, complex foreign intragroup services agreements, import duty suspension lobbying, foreign corporate malfeasance investigations, disputes over patent standards adopted by an industry trade group, foreign labor union contract negotiations, foreign multiparty joint ventures, and the Trusted Foundry Program sponsored by the Defense Microelectronics Activity (DMEA) within the Department of Defense.

Finally, in his General Counsel role, André has also been able to successfully bring to bear his business focus in resolving through mediation, and sometimes even before mediation, complex litigation and investigations involving

- Texas Lawyer 26, August 20, 2007.
- Marc Shivers & André Brunel, "Contractual Limitations of Liability (a/k/a "LOLs," or Why the Other Party is Laughing Out Loud)," 19:5 Computer & Internet Lawyer 6, May 2002.
  - André Brunel & Greg Sapire, "Beyond Banners: Restructuring Portal Advertising Deals," 2:6 Internet Law & Business 485, April 2001.
  - André Brunel, "Crown Jewels of the Internet; Trademark Rights Overshadow Copyrights on the Web," 16:27 Texas Lawyer 29, September 18, 2000

a wide range of issues, such as tax, commercial breach of contract, labor disputes, false advertising, and Gramm-Leach-Bliley (privacy) violations. André has assisted his clients in contentious matters before a wide array of adversaries, including the U.S. Senate Permanent Subcommittee on Investigations, the IRS, state regulatory agencies, Fortune 500 companies, class-action plaintiff attorneys, State Attorneys General, and the Federal Trade Commission.

During his private practice career, Mr. Brunel has helped the following sample of startup and gazelle clients: Green Revolution Cooling, ThisWay Global, Anue Systems (acquired by Ixia), Bazaarvoice, Landdox (acquired by Quorum Software), Allbusiness.com (acquired by Dun & Bradstreet), HyPerformix (acquired by CA), NBCi (the public subsidiary of NBC that served as its Internet portal), Bloomfire, Mutual Mobile, HeatGenie, Manticore Technology (acquired by Sales Engine International), Nimboxx, Llesiant (acquired by acquired by Bloomberg BNA), NextIO, Thunderdog, UnboundID (acquired by Ping Identity), Luminary Micro (acquired by Texas Instruments), FameCast, Gazzang (acquired by Cloudera), EMRes Technologies, Image Trends, M87 (acquired by XCOM), Xplore Technologies (acquired by Zebra Technologies), and AlterPoint (acquired by Versata Enterprises).

In addition, Mr. Brunel has helped the following sample of established and multinational clients: SolarCity (acquired by Tesla), Intel, Toppan Photomasks (formerly DuPont Photomasks), AOL, CNET, Vignette, The J. Paul Getty Trust (which owns the Getty Museum), Hilton Hotels, Texas A&M University System, Gerson Lehrman Group, Southwestern University, Los Angeles Times, Measat Broadcasting (the Malaysian state monopoly DTH television station), Target, First Interstate Bancorp (acquired by Wells Fargo), Softbank, Gartner, Motown Records, National Education Corporation (acquired by Sylvan Learning Systems), Kimpton Hotel & Restaurant,

Perot Systems, Peter Norton Computing (acquired by Symantec), and EDS.

André formerly served as General Counsel and Business Development for Pinpoint Insight, Inc., a start-up developer of cutting-edge software to manage large-scale electronic document reviews in complex litigation. He also served as General Counsel and Senior Vice President of Creditor Relations and Public Affairs of The Ballenger Group, LLC, a business process outsourcing and technology services company.

André was also previously a Partner in the Outsourcing and Technology Section of Hughes & Luce LLP (now K&L Gates LLP) in its Austin office. He also previously worked in the Intellectual Property Work Group at Irell & Manella, LLP in its Los Angeles office.

Admitted to the State Bars of Texas and California.