

# THE RECORDER

## Cisco's Top Patent Lawyer in Rarefied Air

By Brenda Sandburg

When Robert Barr decided to leave his post as Cisco Systems Inc.'s chief patent counsel, the company didn't have to search for a successor. General Counsel Mark Chandler had just one candidate in mind: Mallun Yen.

For the past three years, Yen has served as Cisco's director of intellectual property.

"Mallun has three primary attributes that made her a very logical successor," Chandler said. "She's incredibly smart, tough as nails and a great team player."

Yen, who recently returned from maternity leave, took the helm Monday as managing director of worldwide IP.

"It's an exciting opportunity, and I'm looking forward to the challenge," Yen said. "I'm fortunate to have such a great team here."

The chief patent counsel post is one of the most high-profile in-house assignments, particularly in the technology field.



Cisco Systems' Mallun Yen

When word got out that Barr was leaving, several lawyers called Chandler to express interest in the job.

"Some of the calls I did get were from senior IP counsel in other companies," Chandler said. "I took that as a compliment to what Robert has built at Cisco — that the organization is so well respected."

Historically, men have held most companies' chief patent

counsel posts, which makes Yen's appointment notable.

"There are few of us, but it's by virtue of the fact not as many women have a strong technology background and have also gone to law school and worked their way up at a firm," says Michelle Lee, the head of patents and patent strategy at Google Inc. and an exception to that rule. "In Silicon Valley you have to know your technology."

Yen agrees that most of her in-house counterparts, as well as outside patent litigators she works with, are men.

Julie Mar-Spinola, the vice president of global affairs for litigation and IP at Atmel Corp., notes that people tend to stay in the chief counsel spot for a long time, so the gender composition hasn't undergone much change.

In her new position, Yen says she will look for candidates with diverse backgrounds to fill openings in her group. She expects to add two lawyers to the

five-attorney IP group by the end of the year. Cisco has about 85 lawyers in its legal department.

Barr was Cisco's chief patent counsel for 11 years. He initially filled the role as the company's outside counsel and joined the staff in 2000. He left last month to become executive director of Boalt Hall School of Law's Berkeley Center for Law & Technology.

Barr had worked with Yen at Weil, Gotshal & Manges, where Barr was a partner and Yen an associate. Yen left Weil, Gotshal in 2000 and spent two years at Calient Networks Inc., an optical networking startup, where she became general counsel. Barr hired her at Cisco in 2002.

A 1995 graduate of Boalt, Yen also clerked for U.S. District Judge Ronald Whyte of San Jose for two years.

As Cisco's director of IP, Yen has handled patent litigation, licensing and M&A issues. The first case she worked on was Cisco's suit against Huawei Technologies Co. Ltd. for trade-secret theft and copyright and patent infringement. Yen said it is the only IP case in which Cisco has been a plaintiff. Huawei, China's largest telecom equipment manufacturer, ultimately agreed to alter the design of its products.

Chandler said Yen is very good at pushing back when companies pursue Cisco for infringement. Most recently, she helped defend Cisco against a patent infringement suit brought by Storage Technology Corp. In June a San Francisco jury found that Cisco did not infringe StorageTek's patent and that the patent was invalid. Chandler said Yen was involved in several other significant negotiations that "resulted in tremendous outcomes for Cisco."

Currently Cisco is a defendant in nine suits. Yen said the company is primarily sued by companies who don't sell products but whose sole business is using the litigation system to try to extract money from companies that do produce products.

Cisco is among several tech companies that lobbied Rep. Lamar Smith, R-Texas, to include specific provisions in his patent reform bill. One of their primary goals has been to limit the ability of patentees that do not sell products to obtain an injunction in infringement litigation. Yen said one of her goals was to make sure that Cisco's concerns were heard.

She also intends to continue to build the company's patent portfolio.

"Robert Barr did a great job at

building an engine for finding our best inventions and making sure we have patent coverage at a cost that reflects a high level of efficiency," Yen said. "I intend to build on and extend that model."

She said Cisco has more than 2,000 issued patents and will probably file an additional 1,000 applications this year, as well as increase the pace of filing outside the U.S.