TECH-Guide_Layout 1 7/27/12 12:17 PM Page 27

TECH & TELECOM

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TECH-Guide_Layout 1 7/27/12 12:17 PM Page 28

Can You Keep a Secret?

Strategies for keeping your trade secrets secret

by Michael S. LeBoff, Lawyer, Callahan & Blaine

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Whether it be secret formulas, customer lists or source codes, a company's trade secrets are one of its most valuable assets. Not surprisingly, these assets are frequently the target of theft, particularly by departing employees going to a competitor or venturing out on their own. Thus, protecting trade secrets and prosecuting misappropriation is critical. Trade secret lawsuits are expensive, time-consuming, invasive and unpredictable. Often times, the biggest fight in these lawsuits is not whether the information was actually stolen, but whether the stolen information was a "trade secret."

California law defines a "trade secret" as:

"[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(2) *Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.*"

Cal. Civil Code § 3426.1(d) (emphasis added). While this definition gives lawyers plenty of things to argue over, one undebatable defining aspect of a trade secret is that it is, well, a secret.

Whether a company took reasonable efforts to maintain the secrecy of its trade secrets is a fact-intensive inquiry that depends on numerous factors. Nevertheless, there are some fundamental considerations that all companies can address to better ensure that their trade secrets are kept secret.

Confidentiality Agreements

Confidentiality agreements are commonly used to protect trade secrets. This applies not just to employees, but also to customers, suppliers, vendors and anyone else who may gain access to a trade secret. Of course, with most everything, the devil is in the details, particularly in defining what constitutes a trade secret. Many companies take the approach of defining "trade secrets" in such broad, all-encompassing terms that it effectively covers all corporate information. This approach can easily backfire. For example, if the definition of confidential information is so broad that it effectively limits a departing employee's right to fairly compete for business or obtain subsequent employment, the agreement may be invalidated as an unenforceable covenant not to compete or non-solicitation agreement. Or, a confidentiality agreement that does not specify what is truly secret information may not adequately put employees on notice of their legal obligations and, as a result, may fail to protect the secrecy of specific information. The better approach is to reasonably tailor the definition of confidential information to encompass only what actually needs and is entitled to trade secret protection.

Limit Employee Access

Companies should limit employees' ability to access trade secret information that is not essential to their job function. For example, a local salesperson typically should not have access to a company's nationwide customer database. Limiting access includes restricting physical access to documents, as well as electronic access through passwords, IT policies and other use restrictions.

Beware of Social Media

Social media sites like LinkedIn and Facebook present an emerging threat to a company's trade secrets. If confidential company information, such as customer or supplier information, can be obtained from an employee's LinkedIn page, trade secret protection has arguably been compromised. Therefore, companies should regularly update their social media policies to ensure that employees are not putting trade secret information in the public domain.

The Departing Employee

As noted above, much trade secret litigation starts with a departing employee going to work for a competitor or starting their own competing business. Therefore, as employees

continued on page B-33

Michael S. LeBoff

Michael S. LeBoff is a business trial lawyer at Callahan & Blaine, APLC in Santa Ana. Michael regularly practices in banking, real estate and commercial litigation, including, of course, trade secret litigation. He can be reached at mleboff@callahan-law.com or 888.337.0074.

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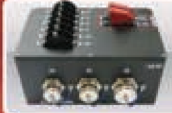
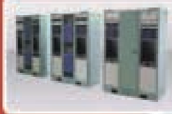

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TECH-Guide_Layout 1 7/27/12 12:17 PM Page 29

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TECH-Guide_Layout 1 7/27/12 12:17 PM Page 30

The 411 on Mobile Marketing

by Clayton S. Friedman, Michael Yaghi, and Lauren M. Tang, Manatt

It is a beautiful August day in Orange County and the sun is starting to set. Jane Wespamalot, the general counsel of Hookum & Dumpum Corp., is sitting in her luxurious corner office analyzing the new line of high-priced subprime products and services her company sells to consumers nationwide. Her phone rings, with Joe Wheelerdealer, executive vice president of Marketing, on line one.

Jane: Hello, Joe, how may I help you?

Joe: Jane, we have a great new advertising campaign that we want to run by you, to make sure we give proper disclosures to consumers.

Jane: You bet. What's the campaign about?

Joe: Oh, this is great. We are working on a nationwide mobile marketing campaign. We want to promote our goods and services to consumers through text messages sent to their cell phones. We even have a vendor lined up to place automated texts. It's so cheap, and we can hit millions of people. How cool is that?

Jane: Texts? Cell phones? Joe, I love your enthusiasm, but the new campaign raises significant concerns, since telemarketing, including mobile marketing, is highly regulated under federal and state laws.

Businesses need to be sure they understand the requirements and restrictions imposed by applicable federal and state laws and regulations, particularly the Telephone Consumer Protection Act (TCPA). While the TCPA and its implementing rules from the Federal Communications Commission (FCC) were originally enacted to regulate traditional telemarketing activities, in recent years it has been held to apply to text messages as well. Moreover, courts have held that a text message is a "call" within the meaning of the TCPA.

So what does this mean if your company is contemplating a marketing campaign involving text messages? First, it means that, except for a very narrow exemption for wireless carriers, the TCPA and the FCC's restrictions apply to all text messages transmitted to encourage the purchase (or rental) of products, services, or property using equipment that meets the definition of an "autodialer." In practice, this covers any text message that contains advertising, marketing, promotional or sales content or offers. Under current TCPA requirements, a company must have the consumer's *express prior consent* – written consent is not currently required, but more on that later – before sending any solicitation via text message through an autodialer, defined as equipment that has the "*capacity* to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers." Typically, autodialer technology is used in connection with the transmission of text messages for marketing purposes.

Moreover, companies may be inadvertently triggering other laws such as the Telemarketing Sales Rule (TSR) or CAN-SPAM whether or not an autodialer is used. For instance, even if an autodialer is not used, the text messages may be subject to the TSR if sent over phone lines. Moreover, text messages that include an Internet reference in the address to which the texts are sent, such as text messages that are sent to a wireless number using the carrier's Internet domain (e.g., 123-456-7890@verizon.com), would fall under CAN-SPAM. For text messages that trigger CAN-SPAM, the recipient's express prior authorization for text messages is required. Additionally, among other requirements, CAN-SPAM also specifies that the text message must include a valid postal address and opt-out mechanism.

Companies will also need to be prepared to comply with the FCC's new TCPA rules governing calls (including a text message "call") to cell phones, which may become effective as early as July 2013. Under the new rules, companies must obtain a consumer's prior express *written* consent before sending a text message advertisement or solicitation.[1] Although the written consent requirement is not yet effective, knowing the rules will enable your business to start obtaining the requisite consent required for future text message campaigns.

Since avoiding the use of equipment that falls under the definition of an "autodialer" may not be possible or practical, companies should be aware of what constitutes "prior express written consent" under the FCC's new rules. Among other requirements, the

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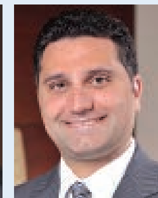
Clay, Michael and Lauren

Friedman


Yaghi

Tang

Clay, Michael and Lauren are members of Manatt's Advertising, Marketing & Media Division. They represent clients in defending against regulatory inquiries and enforcement proceedings brought by federal and state regulators involving allegations of unfair and deceptive marketing and trade practices. They also provide compliance advice on consumer protection issues relating to the advertisement, marketing and promotional offers for consumer goods and services. Their practice services a wide range of consumer-centric Fortune 500 companies. They can be reached at: Clayton, 714.338.2704, cfriedman@manatt.com; Michael, 714.338.2715, myaghi@manatt.com; and Lauren, 650.251.1486, ltang@manatt.com. Please visit manatt.com for more information on our Advertising, Marketing & Media practice.

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TECH-Guide_Layout 1 7/27/12 12:17 PM Page 31

Five Don't Miss Opportunities For Technology Companies Under the America Invents Act

by Edward Schlatter, Partner; and Benjamin Johnson, Attorney; Knobbe Martens Olson & Bear LLP

Knobbe Martens
INTELLECTUAL PROPERTY LAW

You know that the America Invents Act (AIA) made sweeping changes to the U.S. patent system, but what opportunities does this present for a technology company? Here are five new "don't miss" opportunities created by the AIA to secure a competitive edge in the technology marketplace.

1. Pay and Get Your Patent From the PTO Within a Year

Issued patents can be critical to obtaining funding or preventing others from exploiting your technology. Unfortunately, patents often do not issue for at least three years, a virtual eternity in a technology market.

Now, for an additional fee, prioritized examination is available to reduce the time it takes to obtain a patent to one year. So far, the Patent Office has granted over 55% of the applications filed under prioritized examination, and has done so in a remarkable average time to allowance in a remarkably fast average of six months.

2. Shield Yourself From Prior Art Through Strategic Public Disclosure

Beginning March 16, 2013, U.S. applicants no longer have the benefit of an unconditional one-year grace period to file a patent application after a public disclosure of the invention. Rather, a one-year grace period will apply only if the patent applicant publically discloses the invention before it is disclosed by others. Thus, the initial disclosure of the invention will not bar the disclosing company from obtaining U.S. patent rights, but will bar competitors from obtaining patent protection.

3. Patent Your Invention While Still Protecting Trade Secrets

Patent applicants routinely disclose manufacturing techniques and uses for inventions even if these are unnecessary to build and use the invention defined by the patent claims. This has been done to avoid the risk of having the patent invalidated for not disclosing the best mode of practicing the invention.

Post-AIA, however, failing to disclose the best mode is no longer a basis to invalidate a patent. Accordingly, patent applicants should have the opportunity to only disclose what they believe is absolutely necessary to satisfy the best mode requirement, while maintaining non-essential manufacturing techniques and uses as trade secrets.

4. Take Advantage of Expanded Grounds To Eliminate Competitors' Patents Without a Lawsuit

New AIA post-grant review proceedings permit a company to challenge the validity of a patent on any statutory grounds for invalidity (except best mode) within nine months of the grant of the patent. The scope of this post-grant review is much broader than previously available in reexamination proceedings, which are limited to challenges based on patents or printed publications.

5. Challenge a Competitor's Patent before It Is Issued

When a cost/benefit analysis does not justify the cost of post-grant review, the AIA permits a company to try to prevent patent issuance of a competitor's patent by submitting documents anonymously, along with arguments why the application should be rejected.

Conclusion

By working closely with skilled patent counsel, savvy technology companies can leverage these five new opportunities created by the AIA to secure a competitive edge in the marketplace.

For more information visit www.knobbe.com

Edward A. Schlatter

Edward A. Schlatter is a partner at Knobbe Martens Olson & Bear LLP, where he specializes in strategic counseling of clients before U.S. and international Patent and Trademark Offices, in intellectual property transactions and in contentious matters related to intellectual property. Contact Ed at ed.schlatter@knobbe.com or 949.721.2821.

Benjamin Johnson

Benjamin Johnson is an intellectual property attorney with Knobbe Martens Olson & Bear LLP. With a background in mechanical and aerospace engineering, he has prosecuted patent applications for clients in many industries, including the automotive, aerospace, medical device and packaging industries. He has also assisted clients with litigation matters in a wide variety of technological fields. The clients he has helped range from individual inventors to multi-million dollar corporations. Contact Benjamin at benjamin.johnson@knobbe.com or at 949.721.7618.

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TECH-Guide_Layout 1 7/27/12 12:17 PM Page 32

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How Emerging Copyright Law Could Make the Telecommunication Industry's Gray Markets Go Black

by Delavan J. Dickson, Associate, Call & Jensen

The telecommunication industry is expected to grow to approximately $721 billion by 2015. In addition to being a thriving industry, it is also a highly dynamic one. As smartphones and other machines gain prominence, an increasing share of the industry involves data communications while the wireless voice communications market appears to have become fairly saturated. As this market has expanded and evolved in the past ten years, a substantial "gray market" has emerged for information technology goods in the United States, which was estimated to be as large as $40 billion as of 2009.

The term "gray market" refers to markets where a party legally purchases a good in one market and turns around and sells that good in a different market at a higher price outside of its authorized distribution channel. Unlike black markets, the goods in a gray market are not counterfeit or phony. A typical gray market in the United States arises when a party (be it a person or large corporation) can buy a good legally in a foreign market, have it imported into the United States, and then sell the good here for less than the good's authorized distributors would charge. In general, this arbitrage opportunity presents itself because the original producer of a good is attempting to engage in "price discrimination" between foreign markets, i.e., price the same good differently based on the relative demand for the good within separate markets. Manufacturers engaging in price discrimination is nothing new, but their ability to do so has been greatly curtailed due to globalization and the recent advancements in telecommunications technology. Conversely, these advancements have also made it far easier for parties to participate in gray markets, as shown by the growth in gray markets from an estimated size of $7-$10 billion in 1988 in the United States to over $63 billion today.

Manufacturers have not raised the white flag of surrender to these new gray markets and have enjoyed some recent successes in fighting back against them with something that – unlike the telecommunications industry – has remained fairly static for the past 36 years: copyright law. A case from the Ninth Circuit and another from the Second Circuit highlight this new battle. The Ninth Circuit case involved the Swiss watchmaker Omega S.A. and Costco Wholesale Corporation. Omega sued Costco for copyright infringement because Costco was selling Omega watches with a U.S. copyrighted design affixed to their undersides that Costco had purchased on a gray market, i.e., Costco was selling genuine Omega watches without Omega's authorization. The case highlighted a tension within the Copyright Act between a copyright holder's distribution and importation rights on the one hand, and what is known as the "first sale" doctrine on the other hand. Generally speaking, the Copyright Act prohibits the importation of copyrighted materials into the United States without the copyright owner's consent, and also grants copyright owners the exclusive right to distribute copies of their copyrighted works. However, these rights are limited by the first sale doctrine, which stands for the proposition that "once a copyright owner consents to the sale of particular copies of his work, he may not thereafter exercise the distribution right to respect to those copies." The first sale doctrine has been recognized in copyright law since 1908, and has been codified into the actual Copyright Act since 1909.

Although the law is clear that a good manufactured in the United States that includes a party's copyright is subject to the first sale doctrine once sold with the copyright owner's consent – even if that sale is to a foreign party – it is not clear whether the first sale doctrine applies to goods manufactured abroad that include a party's copyright. In the *Omega* case, the Ninth Circuit decided that the first sale doctrine did not apply to such goods primarily out of a concern that holding otherwise "would impermissibly extend the Copyright Act extraterritorially," and because applying the first sale doctrine to foreign-made goods would effectively nullify the Copyright Act's statute granting copyright holders their importation rights. However, the Ninth Circuit did limit the scope of this holding by carving out an exception whereby a foreign-manufactured good would be subject to the first sale doctrine as soon as there is an authorized sale within the United States.

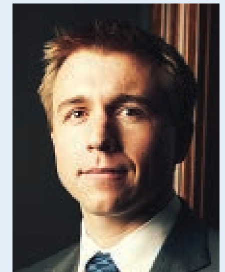
The Supreme Court granted cert on Costco's appeal from the Ninth Circuit decision, but ultimately upheld the decision on a 4-4 vote. The vote was 4-4 because Justice Elena Kagan recused herself from hearing the case.

After the Supreme Court upheld the Ninth Circuit's decision in the *Omega* case, the Second Circuit heard a case involving a textbook company and Supap Kirtsaeng, a foreign math student who sold textbooks from the company on the gray market. In this case, the textbook company used foreign manufacturers to produce its books for various foreign markets, e.g., the company used an Asian manufacturer for the Asian market. The actual content of the textbooks produced were substantially similar across markets, but the books were priced differently in each foreign market. Kirtsaeng, a foreign math student who had studied at both Cornell University and the University of Southern California, had his friends and family in Thailand purchase the textbooks and send them to him in the United States, and he turned around and sold those books on websites such as eBay.com. Like the Ninth Circuit, a divided Second Circuit panel ultimately decided that the first sale doctrine did not apply to foreign-manufactured goods because if it did, the Copyright Act's explicit grant of importation rights to copyright holders would be effectively nullified. However, the Second Circuit's decision went even further than the Ninth Circuit's decision because the Second Circuit decision explicitly rejected the Ninth Circuit's exception that a foreign-produced good would be subject to the first sale doctrine after an authorized sale within the United States. After the Second Circuit issued its opinion in this case, the Supreme Court granted cert, and this time Justice Kagan has not recused herself. For those reading the tea leaves on how she is likely to decide on the issue, it should be noted that when Kagan served as Solicitor General, the United States filed a brief in favor of Omega.

In holding that the first sale doctrine would not apply to foreign-manufactured goods, both the Second and Ninth Circuit expressed some trepidation regarding the potential real-world consequences of their respective decisions. The Ninth Circuit openly acknowledged that its decision could lead to many manufacturers that produce goods with copyrights outsourcing their production abroad. The Second Circuit also admitted that the issue was a "close call," and openly invited Congress to act in light of the policy consequences that could result from the decision. Many businesses within the telecommunications industry also filed amici briefs before the Supreme Court in support of both Costco and Kirtsaeng, which focused largely on the adverse consequences they believe will come about if the Supreme Court were to affirm the reasoning in these decisions, especially in light of how many goods have copyrights attached to them now (e.g., cars, phones, and personal computers all generally have copyrighted software in them). Although these companies oftentimes acknowledged their interests did not perfectly align with either side of this dispute, they believed it would be better for the Supreme Court to reverse the reasoning in *Omega* and *Kirtsaeng* because it is in their interest to allow the emerging gray markets for information technology goods to continue to grow and thrive.

If the Supreme Court were to affirm the Second Circuit's decision in *Kirtsaeng*, it likely would have a detrimental impact on gray markets generally, but the scope of its impact is still unclear. Even without the first sale doctrine, gray market participants have recently obtained some small successes fighting back against these cases using the judicially created affirmative defense of equitable copyright misuse. The contours of the defense are still being defined, and it has only been recognized in the copyright context since 1990, but in general the defense is aimed at preventing a copyright owner from projecting his unique copyright in one product onto unrelated products or services. Already Costco has prevailed at the district court level on remand in the *Omega* case under this defense, so there will be precedent going forward upon which gray market participants can rely. Even so, this doctrine should not be viewed as a complete antidote to a Supreme Court decision affirming *Kirtsaeng* because so far the defense has only been applied sparingly. Thus, gray market participants' best hope is for either the Supreme Court to take heed of the detrimental impacts that would be caused by affirming the Second Circuit's *Kirtsaeng* decision or for Congress to act on its own initiative to continue to allow these markets to thrive.

Delavan Dickson



Delavan Dickson is an associate at Call & Jensen. Mr. Dickson graduated from Harvard Law School and joined Call & Jensen after a clerkship with the Honorable Dale S. Fischer, United States District Judge for the Central District of California. Mr. Dickson can be reached at 949.717.3000 or ddickson@calljensen.com.

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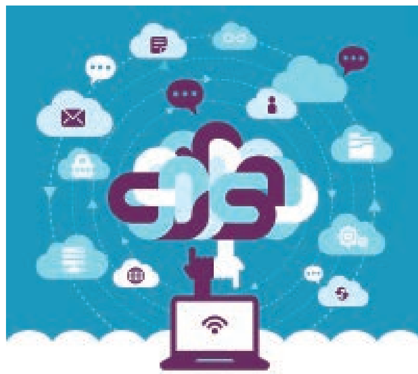
TECH-Guide_Layout 1 7/27/12 12:17 PM Page 33

The Great Migration to Cloud-Intelligent Networks

Seven AM PST. Options trader John Wilson checks his iPad for commodities quotes, dashes out the door of his Malibu home and heads for work. Speeding down the coastal highway he takes a call from his assistant at the Chicago "Merc" about a surprise blip in soybean futures. From his mobile phone, he kicks off an algorithm to begin the computations for his next move – all while he heads to office. Soon John's at his desk, the results of his computations are ready and he is ready to make his next move – without missing a beat. He spots a clue, picks up his smart phone and buys 100,000 call options. The day's harvest for this trader? Millions.



The remarkable aspect of this otherwise mundane day in the life of a trader: All his communications across multiple access modes and devices take place on a single integrated communications infrastructure, the "Hyper Converged Enterprise Network."

Also called the cloud-intelligent network, this breakthrough in cloud-based communication is overtaking the business world. Why that is: It securely delivers all services – voice, data, storage, computing, over myriad devices, both wired or wireless, anywhere – over one common IP platform. The net result is a huge gain in network efficiency and productivity, with eye-popping cost efficiencies versus traditional approaches to networking.

Welcome to the future of enterprise networking, now available in every major market in the U.S. How have we evolved to this latest evolution in cloud communications? To find out, let's take a quick look at how growing enterprise demands for fully converged communications solutions sparked demand for and development of the cloud-intelligent network.

Legacy Systems: Where the Cloud Hit a Wall

By this date, everyone knows the virtues of cloud computing. Less well understood is the vital importance of how the enterprise connects to the cloud to provide its full benefit – complete integration of every aspect of computing and communications, including demands for scalability, security, reliability and traffic prioritization.

Realization of the need for a new approach dawned the moment cloud ambitions bumped up against the shortcomings of legacy networks. Two common problems that continue to plague enterprise telecommunications and IT managers working in a legacy environment:

◆ **Siloing Creates Bottlenecks.** Traditional network design practices created silos between network infrastructure and applications. Fine for their day, these silos were simply not built to accommodate newer needs such as context-aware computing, app-fluent networking and identity-aware networking.

◆ **Complexity Drives up Network Management and Costs.** All too often, networks are a mix of legacy and modern systems with multiple models of switches, routers, PBXs and key systems and a plethora of software systems, all poorly integrated. High network maintenance costs result, in some cases consuming between 15% - 20% of enterprise IT budgets.

The mission in solving these problems is clear: "Flatten" the network to remove the bottlenecks and complexity so that businesses can quickly adapt to the new and highly fluid ways that users want to connect to applications.

Just one caveat. Enterprise IT and network experts must take care to work together closely to ensure success. Of concern: Through 2015, the analysts caution, at least 50% of hyper converged solutions will suffer from poor network designs that degrade application performance, cause high levels of end-user dissatisfaction and fail to reach the goal of improved employee efficiency.

Given the potential rewards, the incentives are strong to work together and get it right.

Hyper Converged Enterprise Networks: What's in It – For Everyone

Simply put, cloud-intelligent networks are a game-changer for telecom operators, enterprises and their customers. Analyst Zeus Kerravala cites the key benefits of switching to the hyper converged enterprise network:

◆ **Superior Security.** Because security is built into the network instead of overlay technology – and tunable by policy – both the user and data are better protected.

◆ **Better Resource Management.** IT can track who logs on, where and for which applications, thus gaining better insight into cloud service usage and management.

◆ **Competitive Advantage.** Service providers can build a higher quality offering that delivers a superior service experience and improves customer satisfaction and loyalty.

◆ **Cloud-to-Cloud Connectivity.** Intelligent cloud networking services will provide secure cloud-to-cloud connectivity, ending the scalability issues associated with data center-tethered cloud services, and enhancing the value of the service experience to users.

◆ **Savings Through Automation.** Evolving beyond the limited capabilities of legacy tools, the cloud intelligent network will leverage automation to improve security, management and efficiency.

The best part: There's no waiting. Intelligent WAN capabilities that support cloud-intelligent network services are available today.

Future Cloud: Toward a Network-Centric Worldview

For those who have been in the communications and IT businesses for a while, one of the curiosities of the "new" cloud computing era is that in some ways it's not all that new. Computer time sharing, developed a generation ago, first introduced the concept of cost-efficiently outsourcing data storage and processing on mainframes, and for years the market hummed along quietly, a relative sleeper in IT.

Why the sudden leap in popularity of this idea with the advent of cloud computing? For an answer, look to the name itself, "cloud," in data communications parlance, means the network. While computer time sharing of course always relied on links between users and available computing facilities, today's sophisticated intelligent WAN capabilities have elevated the strategic role of the network in cloud computing.

Cloud computing is heavily reliant on a network-centric computing model, and it's success or failure to date, and an organization's ultimate success or failure is heavily dependent on an enterprise's network strategy.

More than at any time in the past, the network is the engine for managing, securing and optimizing cloud resources. Cloud services are abundant, and the promise of the cloud – higher efficiency, savings and productivity – beckons to enterprises of all sizes. The greater question, still unanswered for many companies: Do they have the network capabilities to get there, or do they have a communications provider with the experience and expertise, to enable a controlled and effective migration to the Cloud – **the Intelligent WAN**

To learn more about cloud-intelligent and other advanced network solutions, please contact your local XO Communications office at 949.417.7360 or visit us online at www.xo.com.

CAN YOU KEEP A SECRET?

continued from page B-28

leave, it is essential that companies ensure that departing employees return all company-owned laptops, smart phones, papers and anything else containing company trade secrets. If a departing employee refuses, the company should retain counsel, if necessary, to recover the assets. The refusal to return company information is a huge red flag of likely misappropriation, and if the information is truly valuable, courts will expect companies make a real effort to get it back. Comprehensive exit interviews are also a valuable tool in protecting trade secrets and give the employer one last opportunity to remind departing employees of their obligation not to use or disclose company trade secrets.

Use Common Sense

Even the smallest errors in judgment can destroy the protections afforded to a trade secret. Visitor access, for example, should be restricted. Documents containing trade secret information should be labeled as "trade secrets." Paper and electronic documents should be securely destroyed or shredded. If trade secret information needs to be produced in litigation, it should be done under a very restrictive protective order and filed under seal where appropriate.

Be Vigilant

Lastly, while a company may have great policies, they mean nothing if they are not meaningfully enforced. Policies should be reviewed regularly and updated as needed. Likewise, while new employees should be well trained on the company's trade secret policies, companies cannot stop there. Employees must be regularly reminded and trained on their obligation to maintain the confidentiality of company trade secrets.

Even the best policies cannot guarantee that trade secrets will never be compromised. But if they are, the company is in a much better position to minimize the damage if it can show it made all reasonable efforts to keep its trade secrets secret.

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Irvine Agency Creates Effective Brand Experiences For Technology Clients

Online video marketing drives engagement and sales for mobile accessory manufacturer

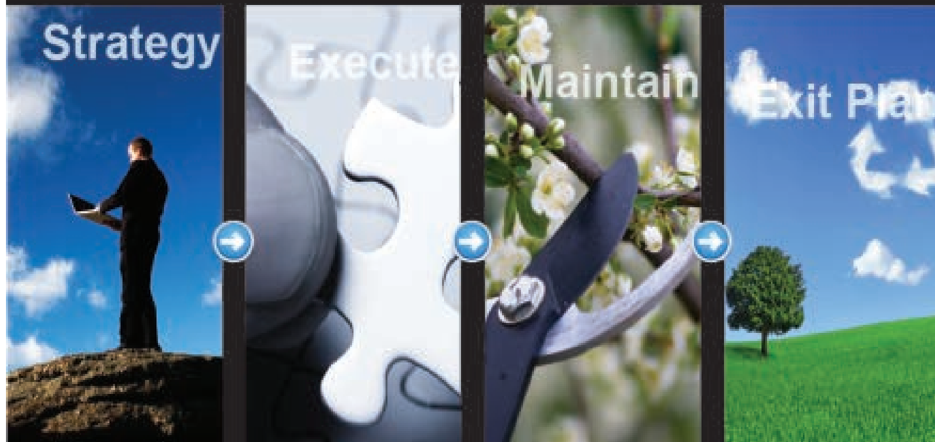
The marketing landscape is constantly evolving. As new technologies and platforms emerge, brands, consumers and the cultures that bind them become ever connected. Companies that understand this new landscape, exploit every appropriate channel to effectively engage with customers and prospects. Things are moving fast and there's a lot to know. This is where a strong marketing agency partner can help brands to navigate the maze of options.

Rhythm Interactive has worked with many technology and retail companies to create effective brand experiences that truly engage customers while achieving overall business goals.

Consumers Engaged Via Online Video Product Marketing Are Four Times More Likely To Purchase

While Targus™ – a leading global supplier of mobile computing carrying cases and accessories – was effectively employing various marketing strategies to promote their many products, the brand knew that it could better engage with customers by visually showing the quality and features of their products through video. Rhythm worked with Targus to create a powerful portfolio of product videos that have been displayed online and shared through various platforms to create awareness, drive engagement and generate sales. The results: *Targus.com* visitors who watch the videos are four times more likely to convert (16% conversion rate), 301% more likely to buy Targus products online and 320% more likely to find where to purchase Targus products. Visit *www.rinteractive.net/case-studies-targus.php* to learn more.

How do you know which digital marketing strategies could drive results for your brand? What marketing opportunities would enable you to effectively engage with your customers? Rhythm Interactive can work with you to answer these questions and help your brand generate the greatest ROI. Contact Rhythm today at www.rinteractive.net or 949.783.5000.



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Strategy

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CCI – Coastal Component Industries Inc.

"Creative Solutions to Achieve Technical Excellence"

The discovery of AC or alternating current is generally credited to Nikola Tesla when he invented the first generator capable of producing AC current in 1884. This invention, in conjunction with DC current (direct current is stored in batteries), initiated the Electronic Age. Electronic devices and systems have developed at a rapid pace beginning with the incandescent light bulb and have expanded into the digital age to touch virtually every person and industry on the planet.

AC electricity is transported from the generating source to alternate locations utilizing wiring systems. The wiring system conducts the flow of electricity to electronic devices that vary greatly depending on their end use. Power requirements can range from 110 volts AC found in most residential applications in the U.S. to much higher levels in commercial and specialty applications. A limiting factor to power transmission is the efficiency and size of the conductor or wire. Generally speaking, the larger the current load requirement, the larger the wire size. Precise design and engineering is required to specify the correct wire and connector components to satisfy the function requirements of a given device.

Coastal Component Industries Inc. (CCI) manufactures a very diverse range of custom electronic products and devices. Cable and wire harness systems range from single conductor (wire) single arm unshielded cables to very complex ruggedized multi-arm harnesses containing thousands of conductors, utilizing mil-spec insulation to space-grade levels with EMI and Nomex over braid encasements. The harnesses are used in a variety of end uses including medical devices, motorsports, marine, security systems, public transportation, commercial power systems, aerospace, flight, satellite systems, defense and military applications.

Electronic assemblies range from small PCBs to complex multi-enclosure fully integrated systems. CCI has manufactured assemblies for military missile systems, C-17 Globemaster III, GMD Ground Missile Defense System and many other programs. This broad range of experience has placed CCI in a strong position for future growth and expansion in many different industries where quality and on-time delivery are critical.

CCI is also a stocking distributor of mil-spec interconnect products including connectors, backshells, adapters, contacts, hardware, wire, cable and wire management products. A highly trained staff is maintained to assist customers with part numbers, applications and interconnect configurations.

Working closely with customer design engineers and procurement agents allows CCI to provide options for creative and cost-effective technical solutions. The majority of CCI's business is from customers it has worked with for over 22 years. These long-term relationships have been maintained by CCI's commitment to open and accurate communication and continuous improvement in all facets of its business.

To drive its high level of quality and delivery performance, CCI utilizes process and quality systems certified to the standards of ISO 9001:2008 and AS9100:2009 Rev C (meeting aircraft, space and defense requirements). Their staff is trained and certified by third-party certification agencies to the standards of IPC-A-610, IPC-A-620 and J-STD-001. The company has been honored with the "Boeing Performance Excellence Award" for the past three years.

CCI Information Systems is currently developing proprietary software based on the data acquisition and reporting requirements for ISO and AS9100 Rev C certified processes. The system is being designed not only to provide real-time information but also to control and drive the distribution and manufacturing processes to achieve superior operating economics and quality. A recent preview of its new software system by the ISO/AS consulting community generated very positive reviews.

For more information about Coastal Component Industries please visit www.ccicoastal.com or phone 714.685.6677.

THE 411 ON MOBILE MARKETING

continued from page B-30

consent must sufficiently demonstrate that the consumer received proper disclosure regarding the consequences of providing consent and the consent must be specific to the company. In other words, a consumer must be told on the consent form that he or she will receive future text messages by or on behalf of that specific company. The consent must also be signed by or contain a valid e-signature from the consumer. Furthermore, the FCC rules prohibit companies from requiring a consumer to provide consent as a condition of his or her purchase.

Lastly, if your company is contemplating a text messaging campaign, you must ensure compliance with other applicable federal and state laws. For example, the text messages may fall within the Federal Trade Commission's purview under the agency's broad authority to prohibit unfair and deceptive acts and practices, or may be subject to the TSR, as noted earlier. On the state level, some states have laws or regulations that prohibit or severely restrict calls to a consumer's cell phone. In addition, industry guidelines such as the Mobile Marketing Association's "best practices" guidelines may apply to your mobile marketing campaign. While compliance with the law is complicated, the potential pitfalls of failing to comply can be very costly. For example, in addition to the risk of enforcement actions by federal and state regulators, there may be exposure to significant statutory damages *per* violation authorized under the TCPA and TSR.

Clearly, Jane Wespamalot and Joe Wheelerdealer have plenty to discuss to ensure their company avoids the many potential pitfalls associated with mobile marketing.

[1] For companies that send prerecorded advertisement or solicitation calls, the new TCPA rules also require such calls to provide an automated interactive opt-out mechanism for the called consumer to make a do-not-call request.

How Advantex Took a Bite Out of Cost and Distributed Systems With Virtualization

by Azeddine Ouhida, Director of IT, Advantex Professional Services

Advantex, the award-winning recruiting firm specializing in Information Technology, Engineering, and Finance & Accounting has always relied on innovative technologies to provide exceptional service to all its clients and candidates. With over 30 branches throughout the Southern California region, over 150 remote users, over 50 corporate users, and a need for 24/7 system availability, you could easily imagine the complexities and cost associated with a traditional IT infrastructure of physical servers, desktops, applications, and all the associated maintenance overhead to keep it all running. Mr Kim Megonigal, chairman and CEO of The Megonigal Companies, challenged the Advantex IT team to build a more flexible and scalable IT infrastructure while taking a bite out of cost and complexity. A significant part of the answer to that challenge was virtualization.

Server and Data Center Virtualization

Like many other businesses of all sizes, Advantex Professional Services focused its early virtualization efforts on simplifying its core infrastructure in the data center (*http://tiny.cc/2k1whw*). With VMware as a partner, the IT team built its virtual solutions on VMware vSphere and VMware vCenter Operations, the industry's leading virtualization platform. This early effort allowed the team to reduce capital expenses by consolidating over 70 servers, which provided better management capabilities, less space requirements in the data center, and more importantly, it helped the team automate provisioning and monitoring of the entire infrastructure, which in turned reduced both planned and unplanned downtime. The team continued to leverage different modules of VMware to improve security, backup and recovery, virtualize key enterprise applications, as well as improve internal IT service delivery.

Virtual Desktop Infrastructure

Encouraged by the success of the data center virtualization effort, the Advantex IT team felt it was time to address the complexities and challenges associated with a distributed and classic IT infrastructure in the field and its corporate support center. The team focused on the following:

◆ ***Provide Virtual access to all users anywhere any time:***

- The Advantex IT team used VMware View as a cornerstone to build a more flexible and secure business IT solution. Once deployed, IT was able to provide all field and corporate users with a seamless solution to access their individual desktop systems anywhere anytime. Gone were the constant VPN headaches, less than secure methods of accessing computers remotely, and more importantly, gone were the limitations and frustrations many of the field users felt when they had to access their "own" systems after hours, while on a client visit, at home, during the weekend, or even on vacation.

◆ ***Simplify desktop management and provisioning process:***

- The move to virtualization has allowed Advantex IT management to contain overhead cost, particularly around provisioning new users and new desktops. What used to take days has been reduced to mere minutes. Through the VMware console, the IT administrators are able to quickly provision and deploy machines without having to stage, ghost, or manually test images. The old process was redundant and lengthy. With few clicks, a standard desktop is ready in minutes. The administrators have also found that the management of images, patches, and other important system maintenance is easily done at a much quicker pace. For example, in this model, an Operating system upgrade is no longer the most significant task in a project plan. Rather, it is training and change management.

◆ ***Secure access to essential corporate data:***

- The move to a centralized VDI model has allowed Advantex IT to better manage essential corporate data security, since all users access virtual desktops residing on server hardware in the datacenter.

◆ ***Increase choice of end user devices:***

- In the age of Bring Your Own Device and the challenges IT organizations are presented with securing all of them, as well as ensuring application compatibility, integration, etc, VMware View provided the opportunity to run all native applications on the user desktop on any device (PC, Think Client, iPads, iPhone, Android phones) and many approved operating systems (Win, OSC, Mac, Linux, Android). The flexibility has allowed Advantex recruiters, field operators and mobile workers to focus on providing exceptional service and not worry about accessing data when they need it.

◆ ***Extend life cycle of existing PC fleet:***

- An unexpected but pleasant result of the VDI deployment was the ability to stretch the life cycle of the current PC fleet. Since all processing occurs at the data center, the hardware is simply a gateway to launching VM View and connecting the user to his/her virtual desktop. This move does not eliminate the need to upgrade Hardware, but it provides IT and Finance a chance to better plan for when the upgrade should take place.

Advantex Professional Services is an executive recruiting firm specializing in placing professionals in IT, Engineering, Finance and Accounting. Our team of recruiters has connections with industry leaders, and an understanding of their specialty practices that will provide you with the Hiring Advantage you deserve. Find out more at www.advantexps.com or call 855.224.HIRE.

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