



# Buchalter

## Global Standards and Technology Consortia Group

### LEAD ATTORNEY IN GROUP:

**Frank X. Curci**

Shareholder

(503) 226 8458

[FCurci@buchalter.com](mailto:FCurci@buchalter.com)

## I. OVERVIEW OF BUCHALTER'S GLOBAL STANDARDS & TECHNOLOGY CONSORTIA PRACTICE

Technology law has been in the DNA of our attorneys for years.

This focus has been a key differentiator for our firm and, as a result, we have earned a reputation as one of the region's leading law firms for technology-based companies, including global standards-setting organizations (SSOs) and other global technology consortia entities. Our firm provides this strategic legal counsel to local, regional, national, and multi-national technology-based clients.

The attorneys in our firm's technology industry group have extensive experience regarding the full range of legal matters that impact technology-based companies, including intellectual property, technology, antitrust, corporate finance, securities, tax, and employment matters.

Our technology-based clients include high tech companies (ranging from emerging growth companies to global industry leaders), global technology consortia (including standards setting organizations), and other technology industry initiatives.

Due to the firm's in depth experience with technology-based entities, we have earned a reputation for being at the forefront of many technology law matters, including standards-setting organizations (SSOs) and similar global technology consortia. For example, Buchalter (formerly Ater Wynne) served as outside counsel to the Open Source Development Lab and the Linux Kernel Organization, Inc. at the critical formative stages of these organizations, and the firm continues, to this day, to be involved with cutting-edge technology consortia or similar technology initiatives.

**Frank X. Curci**, one of our shareholders and the lead of our firm's Standards and Technology Consortia Practice, is nationally recognized for his work representing technology clients in the formation and ongoing operation of global technology consortia, including standards-setting organizations (SSOs) and other multi-party industry initiatives.

Frank has extensive experience both as the outside general counsel to these global technology consortia/standards-setting organizations and as outside counsel to the technology companies participating as members or participants in these organizations.

## II. MORE DETAILS REGARDING OUR FIRM'S EXPERTISE INVOLVING STANDARDS-SETTING ORGANIZATIONS AND OTHER TECHNOLOGY CONSORTIA

Buchalter's attorneys have extensive experience representing technology industry clients regarding a wide variety of issues related to the formation and ongoing operation of technology consortia, including standards-setting organizations (SSOs) and other multi-party industry initiatives.

Few law firms can match our scope and depth of legal expertise in this area.

The following outlines the key legal services Buchalter provides in this field:

- Creating and structuring the non-profit, tax-exempt consortium entity, including preparing all foundational documents, such as the Certificate of Incorporation, Bylaws and (as noted below) IP Policy.
- Counseling the organization's Board of Directors regarding a broad range of corporate compliance, voting and other governance issues.
- Preparing the organization's policies and procedures, including work group policies and (as noted below) the IP Policy and Antitrust Policy.

- Counseling regarding all U.S. tax issues applicable to non-profit, tax-exempt entities, including filing the tax-exempt status application with the U.S. Internal Revenue IRS.
- Counseling regarding a wide range of intellectual property and technology matters, including:
  - Preparing the IP Policy;
  - Obtaining trademark registration in the U.S. and other relevant countries for the organization's trademarks;
  - Protecting the organization's copyrights in its content, such as in its specifications, other technical documentation and website;
  - IP licensing and other uses of IP rights; and
  - Providing advice regarding all other intellectual property matters ( in the U.S. and worldwide).
- Preparing membership/participation agreements and addressing ongoing matters with members/participants.
- Addressing legal issues that arise with implementers of the organization's specifications.
- Counseling the Board of Directors regarding liaisons and collaborations with other technology consortia, including preparing and negotiating all nondisclosure agreements, MOU's and other liaison/collaboration agreements.
- Forming and managing compliance and certification programs.
- Confidentiality issues.
- Preparing and negotiating additional commercial contracts, including vendor/supplier agreements.
- Dispute resolution, including any litigation.
- Employment/independent contractor issues, including the use of professional employer organizations (PEOs).
- Antitrust compliance, including preparation of the Antitrust Policy.
- U.S. export regulations regarding the control of technical information and other government regulatory compliance issues.

Our attorneys are particularly proud that we provide the above legal services to both the non-profit consortium entity as well as the companies participating as members/participants in these technology consortia.

We believe our experience representing these multiple stakeholders in technology consortia, which is not common in the same law firm, enables our attorneys to better understand the many nuances and complexities involved with forming and operating global technology consortia, including SSOs.

This experience also provides our firm with the ability to more efficiently and effectively find the appropriate legal solutions for our technology consortia clients.

### **III. REPRESENTATIVE WORK**

The attorneys in our Standards and Technology Consortia Practice have years of experience serving as outside counsel to numerous global standards/technology consortia and as the outside counsel representing technology companies participating as members in these consortia. The following is only a representative list of some of these consortia:

- Compute Express Link Consortium, Inc. (CXL)
- Distributed Management Task Force, Inc. (DMTF)
- Green Building Initiative, Inc. (GBI)
- Telecom Infra Project, Inc. (TIP)
- The Khronos Standards Group, Inc.
- Ultra Accelerator Link Consortium, Inc. (UALink)
- Universal Chiplet Interconnect Express, Inc. (UCIe)

- CCIX Consortium, Inc. (CCIX)
- Advanced Storage Research Consortium (ASRC)
- Linux Foundation, including its predecessor the Open Source Development Lab
- Linux Kernel Organization, Inc.
- Linux Mark Institute (LMI)
- MIPI Alliance, Inc. (MIPI)
- National Council for Prescription Drug Programs Standards (NCPDP)
- NAV Alliance, Inc.
- Open Alliance
- Open Data Center Alliance, Inc. (ODCA)
- PCI Security Standards Council, LLC (PCI)/Payment Card Industry Security Standards Council
- Issues regarding the merger of the Wireless Gigabit Alliance, Inc. into the Wi-Fi Alliance

#### IV. KEY ATTORNEYS AND PARALEGALS PROVIDING LEGAL SERVICES TO OUR TECHNOLOGY CONSORTIA CLIENTS

The following lists the firm's main attorneys and paralegals who provide legal services to standards-setting organizations and other global technology consortia and the technology companies that participate in these organizations:



**FRANK X. CURCI (Primary Responsible Attorney)** – Frank is the lead shareholder in the Standards & Technology Consortia group. With more than 20 years of in-depth experience in the standards industry, Frank has earned a national reputation for his work as outside counsel to multiple global standards-setting organizations and other global technology consortia as well as for his work counseling technology companies regarding their participation in these standards-setting entities. He serves/has served as outside counsel to multiple global standards-setting organizations/technology consortia. In his role as outside counsel he provides the full range of legal services that these organizations require, including incorporation and all of the ongoing legal services that arise with his standard-setting organization clients--such as corporate governance, all membership issues, trademark and copyright protection, all other intellectual property and licensing issues, obtaining IRS tax-exempt status (such as 501(c)(6) status), export compliance matters and other regulatory compliance matters. Over his more than 20 years of experience in the technology-standards industry, Frank has written and lectured at conferences regarding many issues related to global standards-setting organizations and other technology consortia, including co-authoring an article entitled "*The Expanding Role and Importance of Standards in the Information and Communications Technology Industry*" (which was published in the American Bar Association's *Jurimetrics* journal) and co-authoring a soon-to-be published article addressing the importance of trademarks for standards-setting organizations. As both a technology and intellectual property attorney, Frank also represents a broad range of technology-based companies and other entities in the high tech industry regarding other technology and IP matters. As a result of this work, Frank has developed a network of overseas attorneys that he works with around the world on behalf of his clients, including overseas attorneys that provide trademark, copyright and other IP services. He has received *The Best Lawyers in America*® recognition in the Technology Law field from 2009 to 2025.



**AKANA K. J. MA** – Akana, who leads the Global Trade Group, represents standards-setting organizations and other technology-related clients around the world regarding a wide range of technology, export compliance and business matters. More specifically, he counsels standards-setting organizations and his other technology-based clients regarding export compliance, customs and import laws and regulations, global trademark protection, the licensing and protection of all types of intellectual property; the structuring of international joint ventures; compliance with foreign laws and regulations; contracts for the sale/distribution of products and services; and establishing foreign offices. Akana has practiced international law for more than 20 years and has developed a wide network of overseas attorneys that he works with around the world regarding trademarks and other legal matters.



**L. DAVID CONNELL** – David's practice focuses on tax, corporate and non-profit law. David has a strong emphasis regarding the representation of a variety of non-profit and other tax-exempt organizations, including standards organizations and other industry consortia. David regularly assists his nonprofit and tax-exempt organization clients, including his non-profit technology consortia clients, regarding corporate formation, corporate governance, tax matters (particularly IRS tax-exempt status applications such as 501(c)(6) applications), and other transactional matters. One interesting aspect of David's practice is that he has provided corporate and tax counseling to certain well-known open source non-profit entities.



**ERNIE BOOTSMA** – Ernie represents technology-based companies, ranging from startups to global companies, standards organizations and other technology consortia, regarding a wide range of business matters, including corporate governance, finance, and intellectual property matters. His work for these clients includes planning and counseling them regarding trademark/other IP protection and maintenance, structuring and implementing strategic IP licensing matters, and forming strategic technology collaborations and alliances (including standards consortia). Ernie also represents clients regarding the overall protection and use of their intellectual property rights in the U.S. and worldwide.



**BRENDA AYERS** – Brenda is a Senior Corporate Specialist. She has assisted over the last 20 years with the firm's representation of a broad range of technology-based companies, and non-profit/tax-exempt organizations such as technology standards-setting organizations. Brenda has extensive experience working with standards organizations in the corporate formation, corporate maintenance and compliance, IRS tax-exempt application process as well as mergers and acquisitions.



**MIKAEL CROWTHER** – Mikael is an Intellectual Property Specialist. She has extensive experience working in the intellectual property arena, including performing trademark clearance searches, prosecution of domestic and international trademarks, and administration of multiple clients' world-wide trademark portfolios. Mikael is also knowledgeable with domestic and international patent prosecution, as well as administration of U.S. copyrights. She has worked extensively within the technology community.