



## Heather J. Meeker

Partner

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Heather Meeker advises technology clients on intellectual property matters. Her practice focuses on counseling in the following areas:

- Technology transactions, including licenses, channel sales agreements, development agreements, university technology transfer, and consumer contracting
- Open source software licensing, including IP strategy, compliance, transactions, and disputes
- Technology and IP issues in mergers and acquisitions
- Copyright, patent, trademark, trade secret, and other IP matters

Heather has achieved national and international recognition for her leadership in the field of intellectual property law. Drawing on her technical knowledge and experience, she approaches matters with a practical and business focus. Heather handles technology transactions and intellectual property-related aspects of mergers and acquisitions for companies in all technology sectors and for non-technology companies doing technology deals, with an emphasis on IT and software.

Prior to joining O'Melveny, Heather practiced at an *AmLaw* 20 firm, where she served as chair of the firm's IP/IT Licensing and Transactions Group, as well as the co-managing shareholder of its Silicon Valley office.

## Experience

- Provided representation in open source disputes, including *Oracle v. Google*, *Continuent v. Tekelec*, and *FSF v. Cisco*.

## Admissions

### *Bar Admissions*

California

### *Court Admissions*

US District Court for the Northern District of California

US Court of Appeals for the Federal Circuit

US Court of Appeals for the Tenth Circuit

## Education

University of California, Berkeley, J.D., 1994: Order of the Coif; Editor-in-Chief, *Berkeley Technology Law Review* (1993-1994)

Yale University, B.A., Economics, 1979: *magna cum laude*

- Participated in drafting team for Mozilla Public License version 2.0.
- Serves as advisor to the ALI project on the law of software contracting and the Restatement of Copyright Law.
- Provided counsel to many open source software and technology efforts, including Mozilla Foundation, Cloudfoundry.org, OROPO Foundation, Open Compute Project, and Open Networking Foundation.
- Authored "Open Source for Business," a handbook for engineers, business persons, and lawyers to understand the use of open source licensing in private enterprise.

## Professional Activities

### Member

- Former Council Member, American Bar Association Science and Technology Section (2006 - 2010) and Former Chair, Open Source Committee, Section of Science and Technology Law
- American Law Institute (2006 - present)
- Lawyers' Committee for Civil Rights for the San Francisco Bay Area (2006 - present)

### Adjunct Professor

- Hastings College of the Law (1998 - 2007)
- UC Berkeley School of Law (2008 - 2009)

### Adviser

- Restatement of the Law, Copyright, The American Law Institute (ongoing)
- Principles of the Law of Software Contracts, The American Law Institute (2010)

### Speaker

- Chair, "Open Source Software 2019 - from Compliance to Cooperation," Practising Law Institute (October 1, 2019)

### Author

- "Investing in the Red Zone: Commercial Open Source and Bear Markets," *Medium* (April 9, 2019)
- "Automated Vehicles in 2019: Predictions and Suggestions," *Law360* (January 18, 2019)
- "How the Penguin Became a Benedictine Monk: Open Source and Codes of Community Conduct," *Open Source Zone*, November 12, 2018
- "Open Source – The Last Patent Defense?" *Outercurve Foundation Blog*, February 11, 2014
- "Town Meets Gown – Navigating the Sponsored Research Agreement," *ITechlaw Journal*, Volume 5 Issue 1, 2013
- "Who's Afraid of GPL3?" *Open Source Delivers*, January 25, 2013
- "Open Source and the Age of Enforcement," *Hastings Science & Technology Law Journal*, September 14, 2012
- "The Gift that Keeps on Giving – Distribution and Copyleft in Open Source Software License," *The International Free and Open Source Software Law Review*, Volume 4, Number 1, 2012
- "Copyright Currents," regular column in *New Matter*, Intellectual Property Law Section of *The State Bar of California*; "Deal 2.0," *The Deal Magazine* and *TheDeal.com*, January 24, 2011

- “Free Software Licensing is Vindicated-By a Patent Court,” *New Matter*, Intellectual Property Law Section of *The State Bar of California*, Volume 33; Issue 3, 2008
- “Outsource Software Development and Open Source: Coming of Age in the 2000s” *Santa Clara Computer & High Tech Law Journal*, 2008
- “Free Software Licensing is Endorsed – Under Copyright, and by a Patent Court” *Olswang Technology News*, September 8, 2008
- “Open Source: The Dawn of the Age of GPL Enforcement,” *Olswang Technology News*, May 12, 2008
- “Open Source: License or Contract?” *Olswang Technology Update*, Q1 2008
- “db4objects and the Dual Licensing Model,” *db4objects*, January 2007
- “Open Source in M&A and Other Transactions,” *Oregon Intellectual Property Newsletter*, December 2006
- “Open Source and the Long Tail of the Law,” *Enterprise Open Source Journal*, November 2006
- “Legal Issues: The Contribution Conundrum,” *Enterprise Open Source Journal*, July 2006
- “Only in America? Copyright Law Key to Global Free Software Model,” *LinuxInsider*, May, 16, 2006
- “Tutorial on Software Engineering and Licensing Issues for Free Software,” University of Washington School of Law, March 21, 2006
- “Managing Open Source Risks,” *IT Business Edge*, January 17, 2006
- “Open Source: Chicken Little and Age-Appropriate Explanations,” *LinuxInsider*, May 4, 2005
- “Dual-Licensing Open Source Models,” *Linuxworld Magazine*, April 2005; “SCOing, SCOing, Gone?” *LinuxInsider*, March 23, 2005
- “The Fuzzy Software Patent Debate Rages On,” *LinuxInsider*, February 25, 2005
- “i-Technology Viewpoint: Mark My Words - Trademarks and Open Source,” *Linuxworld Magazine*, November 13, 2004
- “Structuring Intellectual Property for Hi-Tech Firms,” *International Tax Review*, September 2003
- “Thinking Outside the Lock Box: Negotiating Technology Escrows,” *Computer and Internet Lawyer*, July 2003
- “Buying the Penguin: Acquisitions and Open Source,” *CLA Bulletin*, July 2003
- “Why You Need to Understand Open Source Licenses” *International Technology Law Review*, November 2001
- “Why You Need to Understand Open Source Licenses,” *International Law Review*, July 2001
- “Helping Your Software Client Transform into an ASP,” *The Internet Newsletter*, July 2001
- “A Lesson in Taxonomy: The Many Monikers of the Software Distribution Agreement,” *The Computer Lawyer*, November 1999
- Continuing Column: “Clause of the Month,” *Intellectual Property Strategist*, 1998-1999
- “Turning the Software Frog into a Multimedia Prince,” *The Computer Lawyer*, November 1997
- “A Shrink Wrap by Any Other Name: Drafting and Enforceability of Web-Wrap Agreements,” *9 Technology and Intellectual Property Law Bulletin*, Fall 1996, at 1

- “A Font by Any Other Name: Use of Fonts in Software Development,” *9 Technology and Intellectual Property Law Bulletin*, Spring 1996, at 1
- “How to Avoid the Bruised-Knee Effect,” *Data Based Advisor*, November 1988 at 171 (on design defaults in data input programs).

## Honors & Awards

- Recommended in *Chambers USA* for California, IT & Outsourcing: Transactions
- Recommended by *The Legal 500*
- Recognized as a “2019 Top Women Lawyer,” *The Daily Journal*
- Named to the “Top 100 Women Lawyers in California” and twice to the “25 Top IP Portfolio Managers (Licensing) in California,” *The Daily Journal*
- Recognized by *Best Lawyers®* 2020 for Copyright Law, Information Technology Law, Litigation - Intellectual Property / Patent in Silicon Valley, CA; Heather has been listed in *Best Lawyers®* since 2008.
- “San Francisco Information Technology Law Lawyer of the Year,” *The Best Lawyers in America*
- Named to “IP Stars - Top 250 Women in IP” list, *Managing IP Magazine’s World IP Handbook and Surveys*
- Named among “IP Stars,” *Managing IP Magazine*
- IP Vanguard Award Recipient, *The State Bar of California - Intellectual Property Law Section*
- Recognized as a leading attorney in *IAM Patent 1000*
- Recommended in Data: Information Technology; and Data Privacy and Protection by *Who’s Who Legal*
- Named a Top Rated Technology Attorney by Northern California *Super Lawyers*