

## → Transportation

Sheppard Mullin is a trusted advisor to the transportation industry, leveraging its multi-disciplinary team of attorneys to seamlessly counsel transportation clients on their vital business and legal issues. From handling automobile finance, connected vehicle technology and leasing transactions to advising trucking companies on nationwide class actions and sensitive labor and employment issues, our transportation attorneys have extensive experience across the entire transportation field. Moreover, we have a world-renowned practice in negotiating standard essential patent (SEP) licenses and litigating breach of contract claims against SEP owners who refuse to license 3G, 4G, and 5G patent portfolios on fair, reasonable and non-discriminatory (FRAND) terms.

As the transportation industry continues to evolve rapidly, our team keeps clients ahead of the curve by providing counsel efficiently and responsively – with the emphasis on getting results.

The following are some of the areas in which we assist industry clients:

- Corporate Development Transactions – Mergers, Acquisitions, LBOs and Joint Ventures
- Connected Vehicle Technology and Telematics Transactions
- Other Commercial Contracts, Supplier Agreements, Distribution and Agency Relationships
- Intellectual Property
- Patent Litigation
- Patent Preparation and Prosecution
- Inter Partes Patent Review and other Post Grant Reviews
- Negotiating standard essential patent (SEP) licenses on FRAND terms and conditions
- Autonomous Driving Regulations
- Licensing and Distribution Agreements
- Product Liability and Unfair Business Practices/Diminution in Value Claims
- Advertising and Promotions
- Real Estate Development and Leasing of Facilities
- Environmental Permitting and Remediation
- Employment Advice and Counseling and Single Plaintiff Cases
- Labor Union Management Relations and Union Avoidance
- Class Actions, including Employment
- DOT Expertise, including Buy American regulatory requirements
- Non-Compete and Non-Solicitation
- Trade Secret Defense and Prosecution

- Litigation – Commercial Disputes and Dispute Resolution
- Automobile Finance Litigation and Counseling
- Bankruptcy and Creditor/Debtor Rights
- Antitrust and Competition
- Import, Export and Custom Matters
- Tax, Employee Benefits and Executive Compensation

In addition to the array of services we provide above, the following are particular sets of expertise that differentiate our Transportation team from the competition:

- Leader in class action defense of employment cases for auto manufacturing and trucking companies
- Leader in defense of auto finance class actions
- Leading transactional practice in the connected vehicle technology and telematics industry, including experience with forming standard-setting automotive technology organizations and advising on connected vehicle technology terms and future trends
- World-renowned practice negotiating SEP licenses to obtain FRAND terms and conditions and/or litigating related breach of contract claims for failure to license SEPs on FRAND terms and conditions – have litigated milestone cases for several companies on this issue
- Negotiation of 3G, 4G and 5G licenses on behalf of original equipment manufacturers (OEMs) and their various suppliers – represent premier automotive OEMs and component suppliers
- Advisor for top auto manufacturers regarding Buy American requirements for public transit projects (e.g., rail, air, automotive) when using funds from the U.S. Department of Transportation and related agencies
- Assisting clients in public-private partnerships with state and local governments to understand their contractual and regulatory obligations
- Experts in assisting automotive manufacturers in navigating and complying with constantly shifting customs and trade laws
- Leader in defending union-backed corporate organizing campaigns for auto manufacturing, trucking and transit companies

## Clients

Sheppard Mullin represents some of the most active and recognizable participants in the transportation industry, including:

- Airbus Helicopters SAS
- Alaska Airlines
- Alstom
- Brussels Airlines
- Continental Automotive Systems
- DHL Express

- Horizon Air
- Hyundai Motor America
- Jaguar Land Rover North America
- Korean Air
- Knight-Swift Transportation
- Lyft
- McGee Air Services
- MODE Transportation
- National Carriers
- Ontario International Airport Authority
- PepsiCo
- Roehl Transport
- Toyota Connected, North America
- Toyota Motor Corporation
- Toyota Motor Credit Corporation
- Toyota Motor North America
- Toyota Motor Sales
- Toyota Racing Division
- u-blox
- Vanderhall Motor Works

## Experience

### Automotive

- Secured a precedent-setting appellate win for innovative vehicle manufacturer, **Vanderhall Motor Works**, which produces bespoke autocycles and electric off-road vehicles, in a long-running dispute with a former dealer, iMotorsports.
- Represented **Keyes Motors, Inc.**, a leader in the automotive industry and one of the most successful dealer groups in Los Angeles, in the sale of nine of their dealerships to Lithia Motors, Inc., one of the largest automotive group retailers in the United States and among the fastest growing companies in the Fortune 500 with 211 stores in 18 states.
- Represented **Lakin Tire West** and **Lakin Tire East** in the sale of its equity to Liberty Tire, an affiliate of the Carlyle Group. Lakin Tire is a U.S.-based company that engages in the business of collecting, processing and reselling tires and selling end products derived therefrom.
- Represented global automotive manufacturer in negotiation of approximately \$150 million in technology service agreements for the provision of telematics and connected vehicle technologies. Some of the companies we have negotiated with include AAA, Accuweather, Sirius XM and Verizon.

- Represented **Koenigsegg Automotive AB**, a Swedish manufacturer of high-performance sports cars, in obtaining an order to dismiss an investor complaint seeking to establish a 17% share ownership interest in the growing car maker.
- Represent **Lyft** in the strategic development of its patent portfolio relating to autonomous and semi-autonomous vehicle technology and related artificial intelligence technologies.
- Represented **MHT Luxury Wheels**, a cutting-edge manufacturer of branded automotive aftermarket wheels and accessories, in its combination with private equity firm Clearlake Capital's Wheel Pros.
- Represented **Diamond Electric** in international price-fixing investigation in the automotive sector.
- Obtained summary judgment in favor of **Fiat Chrysler Automobiles** in a trademark infringement action filed by an automotive aftermarket performance parts manufacturer who complained that the Dodge line of iconic muscle cars marketed under the "Scat Pack" trademark in 1968-71 and relaunched in 2013 for the Dodge Challenger and Charger models allegedly infringed the manufacturer's "Scat" trademark used for crankshafts, connecting rods and rotating assemblies.
- Obtained summary judgment in favor of **Fiat Chrysler Automobiles** in a false advertising case involving a promotional contest for a Fiat vehicle that took place in Washington, D.C.
- Represented **Fiat Chrysler Automobiles** in hundreds of matters involving dispute resolution, advertising clearance, trademark, copyright, music and entertainment content licensing, co-promotions, contests and branding initiatives for its Dodge, Chrysler, Jeep, RAM, Abarth, SRT, Mopar, Alfa Romeo, Fiat and other brands.
- Successfully defended **Fiat S.p.A** against right of publicity claims from Audrey Hepburn's estate over the use of licensed clips from the 1961 film *Breakfast at Tiffany's* in a Lancia automobile commercial.
- Prepared comments to the U.S. Department of Commerce on behalf of a Fortune 500 automotive company on a Notice of Proposed Rulemaking (NPRM) to add export control on emerging technologies that could impair the company's strategic cross-border R&D activities in automated driving.
- Assisted a Fortune 500 automotive company in navigating the implications of the Trump Administration's large scale revisions to NAFTA.
- Assisted a Fortune 500 automotive company in navigating a sensitive inquiry from a Customs agent that arose from the reorganization of the company's North American operations.
- Provided essential advice to a Fortune 500 automotive company concerning import valuation for a new automobile program which affected the company's decision on how to declare import values for the vehicles.
- On behalf of a Fortune 500 automotive company, identified a number of areas in the company's Foreign Trade Zone operations requiring correction in order to comply with U.S. law and worked with the company to implement the new policies.
- Represented a Fortune 500 automotive company in understanding the regulatory and "Buy American" requirements associated with public transit partnerships, including rideshare and vanpool projects.
- Represented a Fortune 500 automotive company in labor trial and class action matters, as well as broad advice and counsel.
- Obtained a complete defense verdict for **Hyundai Information Services North America** in a jury trial, defeating plaintiff's claims for overtime, meal periods, rest periods and attorney's fees.
- Obtained a complete defense verdict for **Hyundai Motor America** in a jury trial, defeating two plaintiffs' claims for sexual harassment, gender discrimination, retaliation, wrongful termination and more.

- Represented **Jaguar Land Rover** and its mobility services business, InMotion Ventures, in its \$25 million investment in Lyft, Inc.
- Represented **Jaguar Land Rover** and its mobility services business, InMotion Ventures, in its seed investment in SPLT.
- Represented **Toyota Motor Sales** in connection with various IP licensing agreements.
- Represented **Wheel Group Holdings, LLC** in its sale of Preferred Units to SEP V TWG Holdings.

## Aviation

- Represented the **City of Ontario** in its successful effort to regain local control of the Ontario International Airport. The airport had been operated by Los Angeles World Airports (LAWA) starting in 1967. The City of Ontario decided to seek a change of control to a local Joint Powers Authority, the Ontario International Airport Authority (OIAA), and retained Sheppard Mullin to pursue litigation to achieve that objective. A lawsuit was filed against LAWA in 2013 and the matter was successfully resolved in 2015. The OIAA has been operating the airport since 2016. Sheppard Mullin attorneys successfully litigated the dispute with LAWA, and assisted the City of Ontario and the OIAA concerning the transition back to local control.
- Provided EU aviation regulatory advice to **Atlas Air, Ethiopian Airlines, Gulfstream, Korean Air, Sabena and United Airlines**.
- Provided EU Member States law advice to **Korean Air, Sabena and United Airlines**.
- Provided EU State aid advice to **Airbus** (R&D aid for new helicopter), **Brussels Airlines** (airport), **Cyprus Airways** (rescue and restructuring aid) and **Olympic Airways** (rescue and restructuring; privatization measures).
- Successfully defended **Korean Air** in EU air cargo cartel investigation.
- Represented **Sikorsky** as FCC and government contracts counsel on numerous FCC and spectrum related issues.
- Represented **SkyTeam** and **Star Alliance** in EU investigations into worldwide alliances.

## Trucking and Logistics

- Represented **MODE Transportation** in wide-ranging state and federal court litigation, including employment disputes, theft of trade secret, tortious interference, breach of contract and collection suits to recover unpaid customer accounts.
- Represented **KPI Logistics**, a multimodal 3PL specializing in Truckload, LTL, Flatbed and Managed Transportation services, in its acquisition by TA Services, Inc., a premier full-service logistics provider and subsidiary of PS Logistics.
- Represent **PepsiCo**, including Frito-Lay, Inc., Bottling Group, LLC, and related companies, with regard to their wage and hour claims for long-distance and route drivers, including an expertise in the state and federal Motor Carrier Exemption, piece rate rules and other issues specific to transportation employees.
- Represent **DHL Express** in connection with its leasing, development, and financing of various on-airport distribution facilities across the U.S. including those located at: Los Angeles International Airport (LAX), Chicago O'Hare International Airport, March Air Reserve Base (Riverside, CA), San Francisco International Airport and more than thirty other on-airport locations.

- Represent **DHL Express** and its affiliates in connection with their corporate leasing transactions throughout the U.S., including retail facilities, office locations and distribution facilities of all sizes, including a number of on-airport properties.
- Represented **DHL Express** and its affiliates in several large bankruptcy cases in which it is a creditor and have addressed its right to liens and to payments under first day orders. Cases have included General Motors, Delphi, Eastman Kodak, Sun Edison, Takata and others.
- Represented **DHL Express** and **FedEx** in complex EU and competition law cases before the EU courts.
- Represented **Fulcrum Capital** in the acquisition financing of Total Transportation Services, Inc. and Seattle Freight Services, Inc.
- Represented **Gryphon Investors** in its acquisition of Nolan Transportation Group, one of the largest and fastest-growing non-asset freight brokerages in the U.S.
- Represented **Gryphon Investors** in its acquisition of Transportation Insight LLC, a leading provider of enterprise logistics and transportation brokerage services.
- Represented **Knight Transportation** in Washington State Supreme Court arguing to preserve employer's ability to utilize commission and piecework compensation structures.
- Represented **Roehl Transport** in various cases involving allegations of discrimination and retaliation.
- Represented **Roehl Transport** in various cases involving non-competition and theft of trades secrets.
- Defeated class certification for **Swift Transportation** in several wage and hour putative class actions.
- Represented **Swift Transportation** in various cases involving allegations of discrimination and retaliation, non-competition and trade secrets, and wage and hour class action matters.