

Daily Journal

APRIL 9, 2014

TOP INTELLECTUAL PROPERTY ATTORNEYS OF 2014

The most fascinating, and challenging, aspect of naming the intellectual property attorneys in California is the extraordinary variety of their achievements. While they share the same practice area, the lawyers — chosen from hundreds of nominations, along with a few staff selections — range from patent specialists who try cases before the U.S. International Trade Commission to Internet experts who fight the creators of malicious software “botnets.”

To qualify for the list, an attorney must be based in California, even if much of his or her work is done elsewhere, whether it’s the ITC in Washington, D.C., the patent office in Virginia, or district courts in Delaware, Texas and other states. Their focus must be intellectual property, as opposed to general litigators who often handle such work.

The attorneys chosen for the list have helped to advance technological innovation and change the law during the past year, handling work critical to the future of the entertainment, medical and technology industries.

It’s an increasingly difficult group to choose, but the impressive and diverse array of talent from across California is testimony to the state’s leadership in intellectual property law.

—The Editors

TOP 75 LITIGATORS OF INTELLECTUAL PROPERTY

DAVID MARCUS

FIRM:

WILMER CUTLER PICKERING HALE AND DORR LLP

CITY

LOS ANGELES

SPECIALTY

PATENT

In the past year, Marcus and his team managed to resolve three complex patent infringement cases for Intel Corp. before they reached trial.

He represented Intel in a lawsuit brought by Power Management Solutions, which accused the company of infringing its patent related to a technique for managing power for integrated circuits using power gates. *Power Management Solutions v. Intel Corporation, et al.*, 11-743 (D. Del., filed Aug. 22, 2011).

Following a Markman order issued on May 20, 2013, Power Management stipulated that none of Intel’s accused products infringed under the court’s claim constructions. On Jan. 14, the Federal Circuit affirmed the district court’s judgment of non-infringement.

In another patent suit against Intel, American Radio LLC accused Intel’s mobile communications platforms of infringing five patents relating to radio

architectures. *American Radio LLC v. Intel Corporation, et al.*, 12-5910 (C.D. Cal., filed July 10, 2012).

On May 23, the court issued its claim construction order and, three months later, American Radio stipulated that none of Intel’s accused products infringed under the court’s claim constructions.

The court then entered final judgment. “Through our briefing and arguments at the Markman hearings,” Marcus said, “we were able to persuade the courts in both cases to construe the claims in the way we advocated.”

In a third patent suit against Intel, AVM Technologies LLC alleged that Intel’s Pentium 4 and Core 2 families of microprocessors infringed their patent and sought no less than \$150 million and up to \$300 million or more in damages. *AVM Technologies LLC v. Intel Corporation*, 10-610 (D. Del., filed July 16, 2010).



On March 29, 2013, the court granted Intel’s motion for summary judgment, ending the case.

“They were a nonpracticing entity and they weren’t a competitor, so damages were all they could recover,” Marcus said. “We were able to shoot holes in their damages theory, and that left them with nothing.”

— Pat Broderick