



Thomas Sprankling

PARTNER

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Thomas Sprankling is a Partner in WilmerHale's Appellate and Supreme Court Litigation Practice, resident in the Palo Alto Office. His practice focuses on briefing complex legal issues in appellate and trial courts, with a particular focus on matters involving intellectual property and technology. He also handles a wide range of appellate matters arising out of the western United States, on issues spanning breach-of-contract disputes to federal preemption.

Mr. Sprankling has presented oral argument in the Ninth Circuit and the California Court of Appeal on multiple occasions, as well as in California's state and federal trial courts. Mr. Sprankling has presented oral argument in front of—and filed over two dozen briefs in—the Federal Circuit, where he was a member of WilmerHale teams that secured a ruling vacating a \$2.75 billion patent judgment in 2022 and a ruling vacating a \$500 million award in 2023. He has also filed briefs in more than 20 U.S. Supreme Court cases—at the petition stage, on the merits, and as an amicus—on topics ranging from patent law to immigration law to constitutional law. In 2022 alone, he filed two amicus briefs as counsel of record (on behalf of climate change scientists in one case and legal scholars in another) that were both cited in the ultimate decisions.

Mr. Sprankling maintains an active pro bono practice, which focuses on giving a voice to those who are not often heard in courts (such as survivors of domestic violence and injured coal miners) and protecting rights guaranteed to all Americans by the U.S. Constitution and by statute. In 2022, for example, Mr. Sprankling led the briefing on a petition for writ of certiorari challenging the use of an 8-person (as opposed to a 12-person) jury in criminal proceedings, leading to a statement from Justice Gorsuch criticizing the rule permitting a smaller jury as “undermin[ing] the integrity of the Nation’s judicial proceedings and den[ying] the American people a liberty their predecessors long and justly considered inviolable.” And in 2023, Mr. Sprankling was named a California Attorney of the Year by the *Daily Journal* for securing a California Court of Appeal ruling requiring family law judges who grant custody to an abusive parent to provide an explanation for doing so.

A California native, Mr. Sprankling attended Columbia Law School, where he was awarded the Ruth Bader Ginsburg Prize for his academic performance—an award given to the top one percent of the class of 2012. Mr. Sprankling joined WilmerHale as a summer associate in 2011 and returned to the firm following clerkships with Ninth Circuit Judge Alex Kozinski and US Supreme Court Justice Anthony M. Kennedy.

Selected Publications

- *The appeal of putting an appellate lawyer on a trial team*, Daily Journal (May 2023)
- *Understanding Trade Secret Law* (Carolina Academic Press 2020) (with John G. Sprankling)
- Note, "Does Five Equal Three? Reading the Takings Clause in Light of the Third Amendment's Protection of Houses," 112 *Colum. L. Rev.* 112 (2012)

Solutions

Administrative Law

Government and Regulatory
Litigation

Technology

Appellate and Supreme Court
Litigation

Intellectual Property Litigation

Artificial Intelligence

Litigation

Recognition



Lawyer on the Fast Track

The Recorder

2023



CLAY Award

Daily Journal

2023



Top 40 Under 40

Daily Journal

2021

- Selected for inclusion in *Best Lawyers: Ones to Watch* for government relations practice, appellate practice and commercial litigation in 2024.
- Named a California Lawyer of the Year (CLAY) Award recipient by the *Daily Journal* in 2023 for his significant appellate victory for domestic violence survivors.
- Named a Lawyer On The Fast Track by *The Recorder* in 2023 for being one of the next generation of legal leaders in California.
- Named to the *Daily Journal's* "Top 40 Under 40" list in 2021 for appellate and supreme court litigation in California
- Named a Northern California *Super Lawyers* "Rising Star" in 2021–2023 for appellate litigation.

Credentials

EDUCATION

JD, Columbia Law School, 2012

James Kent Scholar, Charles Bathgate Beck Prize, Ruth Bader Ginsburg Prize, Executive Articles Editor, Columbia Law Review

BA, History and Politics,
Pomona College, 2008

with distinction

ADMISSIONS

California

District of Columbia

US Supreme Court

US Court of Appeals for the
Federal Circuit

US Court of Appeals for the
Fourth Circuit

US Court of Appeals for the
Sixth Circuit

US Court of Appeals for the
Ninth Circuit

US Court of Appeals for the
Tenth Circuit

US Court of Appeals for the
District of Columbia Circuit

US District Court for the
Eastern District of California

US District Court for the
Northern District of California

US District Court for the
Central District of California

CLERKSHIPS

The Hon. Alex Kozinski, US
Court of Appeals for the Ninth
Circuit, 2012 - 2013

The Hon. Anthony Kennedy,
US Supreme Court, 2016 -
2017