

APRIL 22, 2015

The Leading Intellectual Property Attorneys in California 2015

The most compelling aspect of choosing the list of leading intellectual property attorneys in California is recognizing the diversity of their achievements, and their ability to stay on the cutting edge of new developments in patent, copyright and trademark law.

While based in the state, leading litigators travel the nation to try cases, whether it's in the Eastern District of Texas, the U.S. International Trade Commission, or a new U.S. Patent and Trademark Office proceeding to determine whether a patent is valid. A few litigators successfully argued or defended cases before the U.S. Supreme Court. Copyright attorneys were in the midst of battles between technology and content providers. Trademark lawyers fought to protect their clients.

The patent prosecutors and portfolio managers on the list represent medical device makers and technology companies, drafting and defending new patents, protecting trademarks and copyrights, while often handling IP aspects of major acquisitions.

The lawyers chosen for this year's list helped to advance technological innovation or transform the law while representing a range of clients that includes Hollywood studios, technology giants, aggressive startups, and the daughter of a screenwriter. The list demonstrates the impressive and diverse work done by California attorneys whose work advances the state's leadership in intellectual property law.

—The Editors

TOP LITIGATORS OF INTELLECTUAL PROPERTY

Heidi L. Keefe

FIRM:

Cooley LLP

CITY

Palo Alto

SPECIALTY

Patent



of Virginia to pursue infringement claims.

It was in the Virginia federal court that a Keefe-led Cooley trial team obtained a complete defense victory on behalf of Facebook Inc. last summer. A jury invalidated two patents asserted by Rembrandt Social Media LP last summer and also found Facebook did not infringe either patent.

The case took 14 months to try from filed complaint to jury verdict.

"Plaintiffs like the district because it's fast. A lot of people are afraid of fast," Keefe said. "I find that fast districts like the Eastern District of Virginia can be good for defendants because they favor people who really get prepared."

Rembrandt had brought the case to trial even though its damages expert was thrown out of the case by U.S. District Judge T.S. Ellis III in late 2013. Keefe successfully argued that the expert had used improper methodologies to calculate damages. *Rembrandt Social Media LP v. Facebook Inc.* et

al., 13-CV158 (E.D. Va., filed Feb. 4, 2013).

Rembrandt has appealed its defeat to the U.S. Court of Appeals for the Federal Circuit.

Keefe also secured victories this year for Facebook in two separate cases by convincing federal judges to invalidate patents at early stages of litigation. *Bascom Research LLC v. Facebook Inc.*, 12-6293 (N.D. Cal., filed Feb. 12, 2012); *Morsa v. Facebook Inc.*, 14-161 (C.D. Cal., filed Feb. 4, 2014).

In doing so, Keefe relied on a recent U.S. Supreme Court case that clarified the limits of patent protection for computer-implemented technology. *Alice Corp. Pty. Ltd. v. CLS Bank International et al.*, 134 S. Ct. 2347 (2014).

"I love killing patents," Keefe said. "I think *Alice* is being used to take out some of the weaker patents. These are patents that wouldn't make it to the jury anyway."

— Kevin Lee

Texas and Delaware may house the most popular jurisdictions for enforcing patents, but plaintiffs also look to the "rocket docket" of the Eastern District

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Cooley