

TOP INTELLECTUAL PROPERTY ATTORNEYS in California for 2016

When we're listening to pre-1972 music on rotation in our smartphones or reaching for a ketchup bottle at lunch, intellectual property doesn't come to mind. But these are just a few examples of the work behind the California attorneys we chose on our list for their efforts protecting the intellectual property belonging to companies of all sizes across the country and around the world.

As technology makes vast improvements year after year across the industry spectrum, intellectual property attorneys — litigators and patent prosecutors — are rolling up their sleeves to stay ahead of the game. In California, established Silicon Valley and booming Silicon Beach have created global hubs for such innovation to take place in on-demand services, social media, health care, consumer technology and other various fields. But the fight to protect patents, copyrights and trademarks can start on a local court level and move to the appellate courts, while also heading to the U.S. Patent and Trademark Office, the U.S. International Trade Commission and the U.S. Supreme Court.

Intellectual property attorneys face many hurdles as they try to protect the branding of companies for consumers and a range of venues for those who want to protect their innovations. The attorneys in this issue took those challenges head-on and pushed technological progress forward.

—The Editors

Bobby A. Ghajar

FIRM

Cooley LLP

CITY

Santa Monica

SPECIALTY

Trademark and copyright litigation



Ghajar was one of two headlining acquisitions for Cooley this year as the firm went on a poaching expedition for major talent. He exited from Pillsbury Winthrop Shaw Pittman LLP in June.

"It's new, but so far, so good," he said of his professional home. "You can't beat the types of companies we represent here. You have household names plus hot outfits you haven't heard about — yet. These are new generation companies, and because of Cooley's great reputation they come here when they want to go public, and that's nice for me because they tend to have IP issues."

At Pillsbury, Ghajar successfully defended Facebook Inc. unit Oculus VR Inc. against trademark claims by online video hosting company Oculu LLC. The Aliso Viejo-based plaintiff sought \$50 million for "unjust enrichment" as a part of the \$2 billion Facebook paid to acquire Oculus in 2014 plus more than \$700,000 in actual damages.

But after the close of discovery, U.S. District Judge David O. Carter of Santa Ana granted Ghajar's summary judgment motion. *Oculu LLC v. Oculus VR Inc.*, 14-CV00196 (C.D. Cal., filed Feb. 10, 2014)

Oculu accused the headset maker of trademark dilution and unfair competition.

"The plaintiff wanted to get into virtual reality hosting on the internet, and that allegedly made the names confusing because our client created an internet environment for virtual reality programming," Ghajar said. "We broke that down and argued it was too

broad an overview, too simplistic. Today, it is unusual that a company doesn't have an internet presence."

In granting summary judgment to Oculus, Carter found speculative the plaintiff's claims about what might or might not happen in the future in virtual reality. Ghajar said the decision had implications for the broader relation of all electronic goods and service in the context of virtual reality online.

Ghajar also defended Architectural Testing Inc. against copyright claims by a rival in the field of waterproofing design and consulting over the alleged copying of architectural drawings.

"There aren't many cases involving architectural drawings," he said. "There were some superficial similarities, but when we broke down hundreds of elements, there was really none."

Ghajar won evidentiary sanctions and about \$45,000 in fees as a sanction from U.S. Magistrate Judge Elizabeth D. Laporte of San Francisco, the parties resolved the matter and the case was dismissed, he said. *Allana Buick & Bers v. Architectural Testing Inc.*, 13-CV04404 (N.D. Cal., filed Sept. 23, 2013)

— John Roemer