

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

Julie M. Holloway

FIRM

Latham & Watkins LLP

CITY

San Francisco

SPECIALTY

Patent litigation



brought by Samsung Electronics in the Eastern District of Pennsylvania, known for moving patent litigation quickly.

Samsung asserted eight patents against Nvidia's graphics processors. Over 14 months, Holloway and her team whittled away at the case. *Samsung Electronics Co. Ltd. v. Nvidia Corp.*, 14-CV00757 (E.D. Va., filed Nov. 4, 2014)

"Fourteen months was a little slow, even for the rocket docket," Holloway said. "But it was fast enough. There were tens of millions of dollars at stake. Our job was to figure out the weaknesses in their claim construction and prior art and go for it."

Two keys to the case, she said, involved simplifying it for the jury by cutting Samsung's eight patent claims to three.

"Samsung dropped their weaker claims," she said. "Then, early in the trial, we found out that for two of the remaining patents, Samsung's expert had failed to disclose all his test data."

That revelation came when the Samsung expert, testifying in Mandarin through an interpreter, was challenged about the exact materials he had examined. "He said there were lots of tests and data that were not reflected

in his report," Holloway said. "That sent us and the judge reaching for the federal rules."

Procedural requirements are that all aspects of tests done by experts be disclosed, but the expert had acknowledged under oath that had not been done. "As a result, the judge declared a mistrial as to two of the remaining claims."

As to the remaining claim, "Of course, we had two dueling stories — Samsung's and Nvidia's," Holloway said. "We had to make our story as simple as possible for the jury, and so did Samsung. You have to present a simple, compelling story. But that story still has to be true. That is the trick."

"Anyone can simplify a story by throwing the truth out the window." She said Samsung focused on superficial similarities in the patent. "And they ignored how Nvidia's products actually worked. They had a simple case, but it was plain wrong."

The jury deliberated less than a day before finding in February that neither of Samsung's remaining claims was infringed and that one of those claims was also invalid. "You might learn more from losing," Holloway said, "but the wins are more fun."

— John Roemer

Holloway combines real-world legal and technical acumen, mixing her lawyer's skills with experience gained in her pre-law career as an electrical engineer to understand and explain technology disputes in court.

She was a lead attorney on the Latham team successfully representing Nvidia Corp. in a high-profile patent infringement case