

# Daily Journal

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## Intellectual Property

### A Word About this List

Being a paid observer of the legal industry brings us a lot of enriching moments. But the absolute best part about our job is watching brilliant people facilitate creative ideas so that they blossom into real solutions. Nowhere is this more evident than in the intellectual property arena, in which lawyers draft and defend patents, copyrights and trademarks for medical cures, technological innovations and, of course, great entertainment.

This is the fourth year the Daily Journal has published a Top Intellectual Property Lawyers list. In putting it together, editors read hundreds of nominations from lawyers. We also consult Daily Journal reporters who cover this field and read our coverage of the practice.

To qualify, the lawyer must be based in California but his or

her work can be anywhere. Many of the litigators practice in the Eastern District of Texas but they also have cases in other federal districts and before the Federal Trade Commission in Washington, D.C. Portfolio managers work for companies in every corner of the globe.

The most important criterion for making the list is the impact of the work. How has this work affected an industry or society? Did it create or save jobs? Did it help bring to market a cure? Save a technological innovation?

The result is a lively mix of people doing fascinating work. There are tech gurus, science nerds and glitzy Hollywood folks. Read on. Get to know them.

— The Editors

## TOP 75 LEADING IP LITIGATORS



### LUKE DAUCHOT

Kirkland & Ellis LLP

Los Angeles

Patent

Dauchot's ability to navigate the waters of patent litigation for both plaintiffs and defendants has put him in demand throughout the nation. The two cases he expects to have the biggest impact this year will both be centered in San Diego.

Dauchot has been hired by telecommunications company Alcatel-Lucent to helm its long-running patent infringement litigation against Microsoft Corp., now pending in San Diego federal court. The case has been closely watched and could have broad implications for damages in patent cases. *Lucent Technologies Inc. v. Microsoft Corp.*, CV 07-2000 (S.D. Cal.)

The suit stems from Alcatel-Lucent's allegations that Microsoft's Windows Media Player infringed its patents. Microsoft has filed a series of countersuits, alleging that Alcatel-Lucent was the infringer. Multiple trials ensued, including one where a San Diego jury awarded Alcatel-Lucent approximately \$400 million in damages.

Microsoft appealed the judgment and the U.S. Court of Appeal for the Federal Circuit reversed and remanded the case for a retrial on patent infringement damages. The damages trial is scheduled for July.

"It's a case that is on everyone's radar screen when it comes to damages law," Dauchot said.

Other recent matters Dauchot has been involved in:

- Won a dismissal with leave to amend of antitrust claims against medical technology company Medtronic filed by a San Diego-based medical technology business.
- Won a defense verdict in *Biedermann Motech GmbH v. Stryker Spine* after a two-day bench trial in Washington, D.C. federal court, which previously granted summary judgment on Stryker Spine's allegation that a judge on a patent panel had been unconstitutionally appointed.

— Ciaran McEvoy