

# Daily Journal

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## TOP INTELLECTUAL PROPERTY ATTORNEYS OF 2014

The most fascinating, and challenging, aspect of naming the intellectual property attorneys in California is the extraordinary variety of their achievements. While they share the same practice area, the lawyers — chosen from hundreds of nominations, along with a few staff selections — range from patent specialists who try cases before the U.S. International Trade Commission to Internet experts who fight the creators of malicious software “botnets.”

To qualify for the list, an attorney must be based in California, even if much of his or her work is done elsewhere, whether it’s the ITC in Washington, D.C., the patent office in Virginia, or district courts in Delaware, Texas and other states. Their focus must be intellectual property, as opposed to general litigators who often handle such work.

The attorneys chosen for the list have helped to advance technological innovation and change the law during the past year, handling work critical to the future of the entertainment, medical and technology industries.

It’s an increasingly difficult group to choose, but the impressive and diverse array of talent from across California is testimony to the state’s leadership in intellectual property law.

—The Editors

## TOP LITIGATORS OF INTELLECTUAL PROPERTY

### MICHAEL W. DE VRIES

**FIRM:**  
**KIRKLAND & ELLIS LLP**

**CITY**  
**LOS ANGELES**

**SPECIALTY**  
**PATENT**

**D**e Vries, with co-counsel Adam Alper, scored a major victory last year, taking on Innovatio IP Ventures LLC over the particularly thorny matter of standard essential patents and RAND licensing.

Owners of standard essential patents, which are key to industry standards, are generally required to license them based on reasonable and nondiscriminatory terms — commonly called RAND — when they participate in the standards development process.

Innovatio had accused both large and small businesses of infringing patents related to wireless technology and was seeking more than a billion dollars in damages. *In re Innovatio IP Ventures LLC Patent Litigation*, CV13-09308 (N.D. Illinois, filed Oct. 3, 2013).

In total, there were 23 patents asserted and dozens of defendants throughout the country involved, including manufacturers of the allegedly

infringing technology, Cisco Systems Inc., Motorola Solutions Inc. and Netgear Inc.

Ultimately, the court agreed to put off considering the liability and infringement matters, among others, and proceeded to trial to determine the appropriate amount of Innovatio’s damages claim.

Critical to the case was determining the amount of royalties for standard essential patents subject to RAND licensing obligations.

“This is a very new area of law,” De Vries said. “The judge and all of the parties on many of the issues were writing on a blank slate.”

Innovatio originally demanded \$2,300 per location.

Finding that the plaintiff’s royalty demands lacked credible methodology, the court held that the royalty rate was 9.56 cents per Wi-Fi chip, significantly less than what Innovatio was demanding.

To achieve that result, De Vries said. “We had highly skilled economists and



technical expert witnesses.”

As to the broader issue of standard essential patents, he said, “I think everyone would like to see some clear standards developed to give the courts direction. But it’s easier said than done.”

— Pat Broderick