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Intellectual Property 2013

One of the striking things about picking the list of top intellectual property attorneys, aside from the difficulty of choosing among hundreds of highly qualified nominees, is the diversity of their achievements. The litigators chosen travel the country to do battle for their clients.

While these attorneys' work has stretched worldwide, some of the biggest cases of the past year took place in California. To qualify for the list, an attorney must be based in California even if much of his or her work is done elsewhere, such as the U.S. International Trade Commission in Washington, D.C., the U.S. Patent and Trademark Office in Virginia, and district courts in Texas, Delaware, Illinois and elsewhere. And their focus must be on intellectual property, as opposed to general litigators who sometimes handle such work.

Top 75 Intellectual Property Litigators

David H. Kramer

Wilson Sonsini Goodrich & Rosati PC | Palo Alto

Internet, copyright



Kramer spent much of 2012 leading Wilson Sonsini Goodrich & Rosati's teams representing Google on several matters, including a battle with the U.S. government regarding the company's placement of cookies on Apple's Safari Web browser, which the Federal Trade Commission alleged was a violation of a prior consent decree.

In that case, Kramer not only secured a settlement in which Google denied liability, but also withstood a challenge to the settlement. Consumer Watchdog filed multiple briefs arguing the agreement was inadequate and that Google should be forced to admit liability. Over Consumer Watchdog's objections, U.S. District Judge Susan Illston of San Francisco Nov. 16 approved the settlement as serving the public interest. *U.S. v. Google Inc.*, 12-04177 (N.D. Cal., filed August 8, 2012).

Kramer is also leading the related effort to address more than 20 federal class actions regarding the matter, which were consolidated into a single litigation in Delaware by the Judicial Panel on Multidistrict Litigation. Google has filed a motion to dismiss.

"I've been working with Google since 1999 in one way or

another and have had the privilege of representing an extraordinarily innovative and principled company," Kramer said.

He said the firm represented Google since the day the influential tech company was born. At the time, he represented "a series of search engines" including Netscape and Lookout, among others.

"When a search company called, it was routed for me," Kramer said.

One day that company happened to be Google, Kramer said. "Who knows where I'd be" if that hadn't occurred, he said.

Kramer said he was fortunate to move from New York to the West Coast "just in advance of the dawn of the Internet age."

He said his practice allows him to work on "some of the most cutting edge and interesting questions that a lawyer could hope to litigate in a career, and I've had a dozen, not one."

— Joshua Sebold

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