

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

DAVID H. KRAMER

FIRM:

WILSON SONSINI GOODRICH & ROSATI PC

CITY

PALO ALTO

SPECIALTY

COPYRIGHT

Last year, Kramer scored a victory in an almost seven-year copyright infringement battle that pitted the Football Association Premier League Limited and others against his client, Google Inc.

In that case, U.S. District Judge Louis Stanton of the Southern District of New York denied a motion to certify a class of copyright owners who claimed that their works had been posted on Google-owned YouTube without their consent. *Football Association Premier League Limited, et al., v. YouTube Inc., et al.*, 07-03582 (S.D. N.Y., filed May 4, 2007).

The judge called the case “a Frankenstein monster masquerading as a class action,” Kramer said.

“He recognized that there were so many different players, claims and issues that, while the plaintiffs could try to cobble them together into a Frankenstein, it would have no business

proceeding as a class action.”

Kramer added, “Judge Stanton issued a very well-reasoned opinion that I think will be cited for a long time by copyright defendants to resist the type of overreaching we saw in our case.”

The plaintiffs since have seen their claims dismissed with prejudice, Kramer said, “and have nothing to show for the lengthy lawsuit.”

For a time, the Premier League case ran parallel with the \$1 billion copyright lawsuit filed by Viacom International against Google and YouTube. *Viacom International Inc., et al, v. YouTube Inc., et al.*, 07-02103-LLS (S.D.N.Y., filed March 13, 2007).

In April 2013, Stanton granted Google’s motion for summary judgment in that case, ruling that YouTube is protected by the Digital Millennium Copyright Act’s “safe harbor.”

Last month, Viacom dismissed its



appeal, bringing an end to the long-running litigation.

“The dismissal leaves intact Stanton’s decision, which, along with the prior opinions in the case, will have significant ramifications for the online world,” Kramer said.

— Pat Broderick