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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

John P. Bovich

Reed Smith LLP | San Francisco

Patent



Bovich doggedly pursued a seemingly unwinnable case last year, helping Netgear invalidate a Fujitsu patent that had already been reexamined and validated three times by the U.S. Patent and Trademark Office.

In the case, Fujitsu alleged Netgear's wireless routers, access points and interface cards infringed a Fujitsu patent that the two companies — and several others — had been negotiating for years. *Fujitsu Ltd. v. Belkin International Inc. et al.*, 10-0397 (N.D. Cal., filed Sept. 3, 2010).

"The patent had a very, very interesting history," Bovich said. "It had been prosecuted, issued, reissued and then reexamined three more times. Along the way, certain claims were rejected but many of the claims survived."

To make matters worse, Bovich explained that much of the prior art at his disposal "had already been considered by the patent office."

Faced with a dearth of new evidence and a patent that had already been thoroughly litigated, Bovich gutted the opposition's expert and convinced a jury to invalidate the patent after a three-week trial.

Bovich spoke with several jurors afterwards, who commented that his cross-examination provided the crucial moment.

"I do feel after that cross-examination the feeling in the courtroom was that there were substantial questions about his credibility," Bovich said.

He confirmed that patents are not typically overturned under such circumstances. "I've never heard of it. I have to assume that most people's natural predisposition would be to defer to the patent office if a patent has been through prosecution once, let alone subsequent proceedings."

Bovich said he doesn't have a technical background but enjoys the variety of work that technology-related cases bring him.

"I'm not a patent lawyer and I don't have an engineering degree, but I've always loved technology and science. I've been consistently involved in cases involving engineering," he said.

— Joshua Sebold