

# 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

### ANNETTE L. HURST

#### FIRM:

**ORRICK, HERRINGTON & SUTCLIFFE LLP**

#### CITY

SAN FRANCISCO

#### SPECIALTIES

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**H**urst is part of the legal team representing Dish Network Corp. in a far-reaching and closely watched copyright dispute against the major broadcast networks.

At issue has been a Dish device, the Hopper, which allows commercials to be skipped on certain recorded shows. *Fox Broadcasting Co. et al., v. Dish Network LLC, et al.*, (C.D. Cal., filed May 24, 2012).

Also at issue is the next generation Hopper with Sling, which allows shows to be watched on laptops or other mobile devices.

Key to the dispute, Hurst said, is that viewers should be able to watch programming when and where they want.

She cited a seminal 1984 ruling by the U.S. Supreme Court that found home recordings of programs for

private noncommercial purposes didn't constitute copyright infringement. *Sony Corp. of America v. Universal City Studios Inc.*, 464 U.S. 417 (1984).

“The Sony case is a strong statement for consumer welfare,” Hurst said. “It's an aspect of privacy and personal freedom — the right to view content in the form and at the time and location that is most convenient for you. People cannot be forced to watch commercials.”

“This should not be a controversial proposition after Sony,” she added. “They want to turn back the clock, undo Sony, take back consumer rights and turn everybody's household into a marketplace they can control.”

Over the past year, she and her team defeated three preliminary injunction motions by the networks in the Central District and on appeal.

Dish recently settled with ABC, but



litigation continues with CBS, NBC and Fox.

“It's been a hotly contested, bicoastal litigation, with a lot of big deadlines, to be trial-ready by the end of the year,” she said.

— Pat Broderick