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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

CHRIS R. OTTENWELLER

FIRM: ORRICK, HERRINGTON & SUTCLIFFE LLP	CITY MENLO PARK	SPECIALTIES PATENT, TRADE SECRETS
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Ottenweller felt like an old-time sleuth while hunting down evidence in a case dating back more than two decades.

He led a team that won a complete defense verdict for EMC Corp. against Oasis Research LLC, a nonpracticing entity supported by Intellectual Ventures. *Oasis Research LLC v. V. Adrive LLC et al*, 10-435 (E.D. Texas, filed Aug. 30, 2010).

Oasis had alleged that EMC and 17 other co-defendants infringed four patents related to a system designed to remotely back up computer files.

During the course of the painstaking investigation, Ottenweller and his team learned that the named inventor, Christopher Crawford, was actually part of a group that worked together in designing the system.

But Crawford filed the patent applications in his name only, not giving

credit to the others, Ottenweller said.

“This raises a serious issue regarding the validity of the patent,” he added. “If a patent does not list all true inventors, it can be invalidated.”

Key evidence surfaced in the case when one of the members of the group went up to his attic and located a box of documents that he had kept from the 1990s.

“There was a file of documents that talked about the project and who was doing what,” Ottenweller said. “They confirmed that Crawford was working with others.”

In a “gotcha” moment during cross-examination, Ottenweller confronted Crawford with a document he had written in which he credited another member of the group with coming up with the key idea.

“The jury was persuaded by Crawford’s words from 20 years ago that came

back to haunt him,” Ottenweller said.

Last year, after a 10-day trial, the jury agreed that Crawford should not have claimed all of the credit for himself, finding that all four patents asserted by Oasis Research were invalid.

— Pat Broderick