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# TRAILBLAZERS

INTELLECTUAL PROPERTY





Dear Readers,

Welcome to the second issue of *Intellectual Property Trailblazers* a special supplement developed by the business arm of *The National Law Journal*. In the pages that follow, you'll read profiles of people who continue to make their mark in various aspects of legal work in the areas of patent, copyright, trademark and trade secret law. While many of those recognized come at the regulatory and litigation processes from different angles, a common thread ties them together: each has shown a deep passion and perseverance in pursuit of their mission, having achieved remarkable successes along the way.

We received hundreds of nominations cast in favor of this year's honorees and a cast of other leading minds who will surely be recognized in years to come. We took time to vet each submission and interviewed each Intellectual Property Trailblazer to find out what has driven them to reach success. In the pages that follow, I think you'll enjoy reading these short findings.

As with all *NLJ supplements*, the list is never complete. Our goal is to spotlight those making a big difference and the search never ends. If you have someone you feel should make our next list, please reach out and let us know. We hope you enjoy this special section and look forward to hearing from you with your nominations for next year's list!

Congratulations again to this year's honorees.

All the best,

Kenneth A. Gary  
Vice President and Group Publisher, *The National Law Journal & Legal Times*

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## STEPHEN KORNICZKY

SHEPPARD MULLIN RICHTER & HAMPTON LLP

**PIONEER SPIRIT** Steve Korniczky's father was a schoolteacher in New York City who emigrated from Hungary. His father gave him a choice: become a doctor, lawyer or engineer. "Two of my brothers and I ended up in engineering school, and we all went to law school."

**TRAILS BLAZED** Korniczky represented HTC in *Intellect Wireless Inc. v. HTC Corp.* "This case got so much attention because there was a general view that the inequitable conduct defense was dead. We proved it wasn't. And the case was litigated against Ray Niro and his firm, and he touted himself as the original patent troll. It was at a time when the bar was trying to figure out how to deal with the NPE litigation problem. Third, the story of the case was so interesting because it exposed the tricks used by NPEs." After the decision, Intellect continued to litigate against others. "We were retained by HP and Palm and got the same result."

**FUTURE EXPLORATIONS** A large area of litigation is starting to open up around standard essential patents. "There have been a handful of cases that address the standard essential patent owners' obligation to license those essential patents on fair, reasonable and nondiscriminatory terms. This area is relatively unexplored, but there are hundreds of millions in license fees that are being paid. The question is, have the licensees been overpaying?"



## CARLO VAN DEN BOSCH

SHEPPARD, MULLIN, RICHTER & HAMPTON

**PIONEER SPIRIT** Carlo Van den Bosch studied engineering and figured he would become a patent prosecutor. However, he began his legal career around the time the commercial Internet was launched. "Since I had a software background, I was put on an Internet trademark case as a third-year associate. I got to draft an appellate brief; we prevailed and then won at trial. That case, *Brookfields v. West Coast*, became a seminal case. I decided to become a trademark litigator."

**TRAILS BLAZED** In 2015, Van den Bosch successfully argued a trademark infringement case on behalf of Hana Bank before the Supreme Court. "Sometimes, clients want a Supreme Court specialist to argue there. But the client stuck with me, and we got a great result." The case dealt with a narrow doctrine called tacking, where a trademark has evolved over time. "Trademark law favors those who had the earliest use in commerce. This is important because as a trademark evolves, there's a question of whether the newer version is a distinct mark with a new first-user date or substantially similar to the original." The Supreme Court unanimously agreed that the facts should be decided by a jury.

**FUTURE EXPLORATIONS** Trademark law will evolve rapidly to keep up with new consumer trends largely driven by technology. "Over the years, there have been new means for brands to market themselves, such as pop-up ads, which alter consumer perception in their own ways. Trademark law tries to come up with a common denominator, but how does this work when there are so many different versions out there?"