



Darren Franklin

Associate

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PRACTICE AREAS

- Intellectual Property

INDUSTRIES

- Digital Business
- Life Sciences

OVERVIEW

Darren M. Franklin is an associate in the Intellectual Property Practice Group in the Los Angeles office of Sheppard Mullin Richter & Hampton LLP.

Areas of Practice

Mr. Franklin is a registered patent attorney with expertise in a broad range of intellectual property matters, including patent litigation, patent prosecution and counseling, trademarks and trade dress, trade secrets, unfair competition, and IP due diligence. He works with companies and individuals involved in diverse industries and technologies, including aerospace, biotechnology, computers, entertainment, gaming, life sciences, lighting, medical devices, office products, pharmaceuticals, semiconductors, software, sports products, telecommunications, and video games.

EDUCATION

- J.D., Stanford Law School, 2000. Executive editor, Stanford Law Review. Member, Stanford Technology Law Review.
- B.A., Physics & Political Science, University of California, Berkeley, 1997, *Phi Beta Kappa*.

CLERKSHIPS

- Clerk, Honorable Margaret M. Morrow, U.S. District Court for the Central District of California
- Extern, Honorable John G. Davies, U.S. District Court for the Central District of California

ADMISSIONS

- U.S. Patent and Trademark Office
- U.S. Court of Appeals for the Federal Circuit
- California federal courts
- California state courts

EXPERIENCE

Representative Matters

Represented a specialty pharmaceutical company in successfully obtaining a preliminary injunction against a generic competitor in a patent infringement case involving nutritional supplements.

Assisted a manufacturer of spinal-fusion devices in a patent infringement case involving drill guides for use in back surgery. Case ended with a favorable settlement.

Represented a global entertainment lighting company in a patent infringement case involving incandescent illumination systems. Case ended with a favorable settlement.

Prosecuted successful patent applications on an energy storage apparatus and an ultra-capacitor-based energy pack for a leading aerospace company.

Represented a leading developer of micro-electromechanical systems in a patent infringement case involving microdevices. Case ended with a favorable settlement.

Prosecuted a successful patent application on athletic footwear having an integral supinator device on behalf of a Los Angeles podiatrist.

Won appellate victory before the U.S. Court of Appeals for the Federal Circuit on behalf of the president of a consumer products company in a patent infringement case involving issues of personal liability and lost profits damages.

Represented a global semiconductor equipment manufacturer in a patent infringement case involving metrology stations for measuring semiconductor wafers. Case ended with a favorable settlement.

Argued and won before the U.S. Court of Appeals for the Federal Circuit on behalf of a plastic bag manufacturer in a patent infringement case involving supermarket fixtures.

Argued and won a patent claim construction hearing before the U.S. District Court for the Central District of California on behalf of a motorcycle trailer importer.

Won summary judgment on behalf of a consumer products company and a wholesale club chain in a patent infringement case involving pet products.

Represented a leading biomedical company in successfully opposing summary judgment motions filed in a patent infringement case involving DNA sequencing technology. Case ended with a favorable settlement.

Represented a worldwide office products company in a trade secrets and breach of contract case involving pricing labels. Case ended with a favorable settlement.

Negotiated litigation settlement and trademark licensing agreements on behalf of a Japanese intellectual property company in a trademark infringement case involving clothing and shoes.

Represented a leading online marketing firm in a trademark and copyright infringement case involving Internet advertising. Handled discovery meet-and-confer.

Published cases:

Wechsler v. Macke Int'l Trade, Inc., 486 F.3d 1286 (Fed. Cir. 2007)

Flexi-Mat Corp. v. Dallas Mfg. Co., No. 04-10162-DPW, 2006 WL 962161, 2006 U.S. Dist. LEXIS 19528 (D. Mass. Apr. 11, 2006)

HONORS

- Rising Star, *Super Lawyers*, 2009, 2010

MEMBERSHIPS

- American Intellectual Property Law Association. Vice Chair of Inventor Issues Committee. Member of Online Programs Committee.
- Los Angeles Intellectual Property Law Association. Member of Board of Directors.
- Los Angeles Intellectual Property American Inn of Court
- Public Counsel Adoptions Project, volunteer attorney
- Association of Business Trial Lawyers
- Los Angeles County Bar Association

ARTICLES

- Implications of *Aristocrat v. IGT* for Software Patents, *AsiaLaw*, January 1, 2009
- Patent Pools, *New York Law Journal*, April 21, 2008
- Leadership Liability: Protecting Directors, Officers From Exposure to Patent Infringement Damages, *San Diego Daily Transcript*, January 31, 2008
- The Supreme Court Opens the Door to More Patent Challenges, July 2, 2007
- The Federal Circuit Cracks Down on DNA Inventions of Uncertain Utility: *The Fisher Case*, December 7, 2005
- Patent-Reform Bill Promises Changes to Transform Law, September 14, 2005
- Is Your Patent Counsel's Work Privileged?, July 28, 2004
- *Hanging a Shingle on the Information Superhighway: Legal Advice on the Internet*, 2001 Stan. Tech. L. Rev. 2.
- *The Mass Tort Defendants Strike Back: Are Settlement Class Actions a Collusive Threat or Just a Phantom Menace?*, 53 Stan. L. Rev. 163 (2000).

Intellectual Property Law Blog Articles

- "Supreme Court Rejects *Bilski* Claims, Overturns "Machine-or-Transformation" Requirement for Patent Eligibility of Processes," June 28, 2010
- "Federal Circuit Grants Patent Term Extensions", January 8, 2010
- "The US Federal Trade Commission Considers Issues In Patent Damages Awards", April 14, 2009
- "*Muniauction, Inc. v. Thompson Corp.*: The Federal Circuit Again Weighs In On Software Patents", October 7, 2008
- "Inducement of Patent Infringement", November 5, 2007
- "USPTO Proposes Changes to Disciplinary Rules", April 12, 2007
- "The Federal Circuit Cracks Down on DNA Inventions of Uncertain Utility: The Fisher Case", March 10, 2006

SPEECHES

- Spoke at panel on intellectual property law careers at USC Law School, UCLA Law School and Southwestern Law School.
- Lectured on international copyright law at the University of Southern California Gould School of Law, October 2006.