

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

STEPHEN S. KORNICZKY

FIRM:

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

CITY

SAN DIEGO

SPECIALTY

PATENT

Last year, Korniczky scored a major victory for HTC Corp. in a two-patent infringement trial brought by Intellect Wireless Inc. in the Northern District of Illinois.

U.S. District Judge William T. Hart ruled that Intellect Wireless’ two patents covering wireless picture phones were unenforceable because the inventor, Daniel Henderson, had submitted false declarations to the U.S. Patent and Trademark Office.

In October, the decision was affirmed by the Federal Circuit in a precedential opinion that set forth the requirements to correct false declarations filed before the patent office. *Intellect Wireless Inc. v. HTC Corp.*, 2012-1658 (Fed. Cir., filed Oct. 9, 2013).

“The biggest challenge in this case

was unwinding some of the false statements made by the inventor,” said Korniczky, who argued the Federal Circuit appeal.

Another hurdle was that Intellect Wireless had previously filed five related lawsuits, collecting approximately \$25 million from 17 other defendants.

“When so many significant companies in the same industry acquiesce to the validity of the patents, it makes it very difficult to convince your client that they ought to stay the course and litigate the case to completion,” Korniczky said.

Also complicating the case was that Henderson had arranged to have a prototype and two mock-ups put on display at the Smithsonian Institution.

“It turns out, he never built a prototype of the claimed invention,” Korniczky said, “and the two mock-ups were hollow shells with his picture and



a bunch of telephone buttons pasted on top, but no electronics inside.”

The trial court now is considering HTC’s request for attorney fees.

— Pat Broderick