



→ Chris Ponder

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Chris Ponder is a partner in the Intellectual Property Practice Group in the firm's Silicon Valley office.

Areas of Practice

Chris focuses on complex patent and business litigation for technology companies, which often involve competitors. He regularly represents clients in the digital media streaming, enterprise software, videogame, telecommunications, and medical device industries.

His patent litigation experience includes representing parties in over forty inter partes review proceedings. When acting for petitioners, his clients have obtained institution on every petition filed. Chris has taken part in several jury trials involving patent infringement and other commercial claims. Chris has extensive experience in motion advocacy, and routinely argues motions in federal court. He has taken depositions of high-level corporate executives (including a chief operating officer, a chief technology officer, and a general counsel), as well as expert witnesses.

Chris has experience advising clients on trade secret and copyright issues, including disputes arising from employee departures and ending business relationships. Intellectual property counseling matters have included assisting clients with negotiating and evaluating patent licenses, evaluating software license agreements, responding to trademark and copyright infringement issues, and implementing trade secret policies.

Honors

The World's Leading Patent Professionals, *IAM Patent 1000*, 2022

Northern California Rising Star, *Super Lawyers*, 2015-2018

Experience

- Representing a leading streaming service as petitioner in several inter partes review proceedings challenging patents asserted by Broadcom.
- Representing a leading game developer in a copyright infringement lawsuit against a video game developed by former employees.
- Representing leading streaming services as petitioners in several inter partes review proceedings challenging patents asserted by a Fortress-funded patent portfolio holding company.

- Representing a leading game developer in an international arbitration involving former employees and claims for unpaid royalties, breach of contract, breach of common law duties, improper solicitation, and breach of confidentiality.
- Representing a medical technology company in patent litigation against a competitor involving radiotherapy technology (N.D. Cal.), and in related inter partes review proceedings at the patent owner.
- Defended a leader in implantable hearing solutions as the patent owner in an inter partes review proceeding brought by a competitor. All claims of the challenged patent were found not unpatentable in a final written decision.
- Defended a leading game developer in a district court patent litigation involving a non-practicing entity (C.D. Cal.). Case was dismissed after a successful IPR was upheld on appeal, and the court found the case was exceptional and awarded attorneys' fees against the NPE.
- Represented a major luxury retailer in patent litigation dispute brought by a non-practicing entity (E.D. Tex.).
- Represented a leading music streaming service in 4 inter partes review proceedings that settled shortly after the filing of the IPRs.
- Represented a leader in wearable devices as petitioner in appeals from inter partes review proceedings (Fed. Cir.). The Federal Circuit affirmed two final written decisions finding the claims unpatentable and reversed and remanded a third final written decision that found some claims not unpatentable.
- Represented a leading streaming service in 7 instituted PTAB challenges relating to compression technology (over 85 claims have been found unpatentable across 5 patents).
- Represented a leading TV manufacturer in patent litigation involving various technologies including 802.11 wireless standards (E.D. Tex.).
- Represented a leading music streaming service in patent litigation (D. Del.).
- Represented a leading game developer in an inter partes review proceeding and on appeal where the PTAB found all challenged claims unpatentable following an unsuccessful IPR challenge by a different game developer.
- Represented a leader in wearable devices as petitioner in an inter partes review proceeding where the patent owner (a Wi-LAN subsidiary) disclaimed the challenged claims after institution.
- *Represented a provider of enterprise and carrier real-time communications technology in competitor litigation involving trade secret misappropriation and unfair competition counterclaims (E.D. Tex. and Texas State court).*
- Represented a leading provider of satellite communications equipment and satellite data service against claims of patent infringement involving satellite communications technologies brought by a major military contractor (E.D. Tex.).
- Represented a provider of enterprise and carrier real-time communications technology in patent infringement countersuit brought by a competitor involving telecommunications technologies (E.D. Tex.).
- Represented a provider of enterprise and carrier real-time communications technology in patent infringement action against a competitor involving VoIP, media gateway, and session border controller technologies (E.D. Tex.).
- Represented a provider of captioning services for hard of hearing users in competitor litigation involving captioned telephone technology (W.D. Wis.); developed petitioner's response to plaintiff's secondary considerations evidence in eight co-pending inter partes reviews.

- Defended a leading telecommunications carrier against claims that its services infringe a patent directed to location-based services (E.D. Tex.).
- Defended a major computer company against claims that certain hard drives shipped with its computer systems infringe a patent directed to switchable hard drive acoustic properties (E.D. Tex.).
- Defended a major computer company against claims that its computer systems infringe a patent that covers transcoding video into a format for optical discs (E.D. Tex.).
- Represented a major computer company in a patent infringement action involving enterprise iSCSI storage systems (N.D. Tex. and Fed. Cir.).
- Represented a U.S. appliance manufacturer in a patent infringement action involving refrigerator storage and ice and water dispensing systems.
- Assisted client with contracting for independent software support services that comply with their enterprise software licenses.
- Provided an opinion to a client analyzing their ownership rights in software works they derived from licensed software.
- Assisted client with providing intellectual property disclosures for their shelf offering registration.
- Apprised a client of their rights in software code developed for them by a third party contractor.

Articles

- Gaming IP Dispute Is Instructive For Cos. On PTAB Litigation
Law360, 09.09.2021
- Vexing PTAB Apple Decision May Overtax West Texas Court
Law360, 06.25.2020
- Part 2: How to Assert and Defend Trade Secret Claims After 'Waymo v. Uber'
The Recorder, 02.20.2018
- Lessons Learned From 'Waymo v. Uber' and Other Trade Secret Disputes, Part One: How to Properly Protect Your Trade Secrets
The Recorder, 02.13.2018
- How To Make Secondary Considerations Matter (Or Not)
Law360, 06.09.2016

Game Counsel: Gaming and Esports Blog Posts

- "Clash of Game Companies: Lessons Learned from GREE and Supercell Dispute" September 22, 2020

Law of the Level Blog Posts

- "Addressing Video Game Claims Under the Phillips Standard at the PTAB," August 26, 2019
- "Converting an IPR Loss into a District Court Win," May 8, 2019
- "Caution to Game Companies: PTAB Continues to Preclude PTAB Challenges That It Views As Untimely," April 10, 2019
- "Failure to Launch: Not Identifying the Proper Parties Can Prematurely End an Video Game IPR Challenge," February 5, 2019

- "Challenges in Filing Successful IPR Petitions for Video Game Patents," January 3, 2019

Intellectual Property Law Blog Posts

- "Left Empty Handed: Valve Shut Down on Written Prior Art, Highlighting Importance of System Art," December 6, 2019
- "Perils of Waiting: PTAB's Precedential Opinion Panel Designates Two More Decisions Rejecting 315(b) Arguments Regarding Time Bars," September 16, 2019
- "PTAB Continues to Preclude PTAB Challenges That It Views As Untimely," April 12, 2019

Media Mentions

Fed. Circ. Sends Wearable Tech IP Back To PTAB In Fitbit Fight

Law360, 07.08.2020

World Of Tanks Creator Sues Ex-Employees Over 'Blitz' TM

Law360, 03.26.2020

PTAB Upholds 1 Realtime Patent In Netflix Row, Axes Another

Law360, 01.17.2020

Netflix Gets Realtime Data Compression Patent Nixed At PTAB

Law360, 01.10.2020

Fed. Circ. Affirms PTAB Ax Of Online Gaming Patent Claims

Law360, 11.19.2019

Fed. Circ. Affirms PTAB Ax Of Wearable Tech Patent Claims

Law360, 09.29.2019

Fed. Circ. Mulls Terms In Patent That Fitbit, Apple Got Axed

Law360, 09.04.2019

Sheppard Adds 3 Baker Botts Attys To Calif. IP Team

Law360, 09.26.2018

Apple, Fitbit Get Heart Sensor Patent Slashed At PTAB

Law360, 08.07.2018

Speaking Engagements

Speaker, "Open Source 2.0," Games Industry Law Summit Vilnius, September 8, 2022

Events

Games Industry Law Summit – Open Source 2.0
National Museum of Art, 09.08.2022

Game Business & Legal Affairs Conference
9TH VGBA Summit Bay Area
May 23-24, 2022

Fighting (Patent) Trolls with Dragons: How to Effectively and Efficiently Defend Against Patent Assertions
Video Game Bar Association Virtual Townhall
12.16.2020

Memberships

American Bar Association - Section of Intellectual Property Law

Practices

Intellectual Property
False Advertising, Lanham Act and Unfair Competition
Patent Litigation
Post-Grant Proceedings
Trade Secrets

Industries

Entertainment, Technology and Advertising
Esports & Games
Life Sciences
Space & Satellite

Education

J.D., University of Houston, 2008, *magna cum laude*, Articles Editor, *Houston Law Review*, *Order of the Coif*
B.S., Computer Science, University of Houston, 2004, *cum laude*, Member of the Honors College

Clerkships

Law Clerk to the Honorable Roy S. Payne of the United States District Court for the Eastern District of Texas.

Admissions

California

Texas

United States Patent and Trademark Office

United States Patent Trial and Appeal Board

United States Court of Appeals for the Federal Circuit

United States District Courts for the Central and Northern Districts of California

United States District Court for the Eastern Districts of Texas