

# Daily Journal

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## Intellectual Property 2013

One of the striking things about picking the list of top intellectual property attorneys, aside from the difficulty of choosing among hundreds of highly qualified nominees, is the diversity of their achievements. The litigators chosen travel the country to do battle for their clients.

While these attorneys' work has stretched worldwide, some of the biggest cases of the past year took place in California. To qualify for the list, an attorney must be based in California even if much of his or her work is done elsewhere, such as the U.S. International Trade Commission in Washington, D.C., the U.S. Patent and Trademark Office in Virginia, and district courts in Texas, Delaware, Illinois and elsewhere. And their focus must be on intellectual property, as opposed to general litigators who sometimes handle such work.

—The Editors

### Top 75 Intellectual Property Litigators

#### Geoffrey M. Howard

Bingham McCutchen LLP | San Francisco

Copyright, trade secrets



In August, Howard won a \$306 million judgment for copyright infringement for his client Oracle Corp. against rival SAP AG, and he is hoping for more.

The stipulation brings Redwood Shores-based Oracle's total compensation to \$426 million, including attorney fees and costs. Oracle USA Inc. v. SAP AG, 07-1658 (N.D. Cal., filed March 22, 2007).

At issue was Oracle's claims that SAP schemed to steal its intellectual property directly from the Internet. SAP admitted the infringement prior to trial, and Howard — co-counsel for Oracle — won a whopping \$1.3 billion verdict, billed as the largest jury award in 2010 and the largest ever for copyright infringement.

After the trial, the court granted SAP's motion for a new trial and gave Oracle the option of accepting \$272 million.

Instead, Oracle opted for a new trial, leading to the August stipulation. Oracle now is appealing the district court's rejection of the original jury verdict of \$1.3 billion.

Howard said that he hopes a successful appeal will send a clear message.

"It's important not just for this case, but to protect technology

and innovation generally," he said.

In another significant case, Howard served as lead counsel for Yardi Systems Inc., a leading real estate software supplier.

At issue was a copyright infringement, trade secret and computer fraud action brought against its lead competitor, *RealPage Inc. Yardi Systems v. RealPage Inc.*, 2011-00690 (C.D. Cal.).

In the fall of 2010, Yardi discovered that RealPage was using Yardi employee and consultant credentials to log into Yardi's password-protected website and download hundreds of copies of Yardi's trade secret and copyrighted materials, according to the lawsuit.

In July 2012, the case settled on confidential terms.

"It was one of the first cases that was really at the intersection of IP rights and cloud computing," he said. "At the time, cloud computing was in the market, but IP issues surrounding it were — and still are — quite novel."

— Pat Broderick