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INTELLECTUAL PROPERTY 2012®

Patent re-examinations gain popularity, despite their risks. A few years ago, defense attorneys faced with infringement lawsuits rarely tried to get plaintiffs' patents invalidated by the U.S. Patent and Trademark Office. Today, it's increasingly common to ask that the patents get a second look.

TOP 75 INTELLECTUAL PROPERTY LITIGATORS



Ron E. Shulman
Latham & Watkins LLP
Silicon Valley

Shulman is accustomed to having to synthesize a vast amount of highly complex information in a very short period of time – and make it understandable not only to a jury, but to a judge, as well.

Among his recent matters – both favorably settled or ongoing – are patent disputes involving liquid crystal display devices, mobile navigation systems, gaming technology and generic drugs.

Among his clients are AU Optronics Corp., Synopsys Inc., Affymetrix Inc., Sony Computer Entertainment America Inc., Time Warner Cable, TiVo, T-Mobile and Impax Laboratories Inc.

The common thread is that all of Shulman's cases are complex, and therein lies the challenge.

While judges have a certain level of intelligence and competence, he said, that doesn't necessarily mean that they are anymore tech or science savvy than the average juror.

"You have to make it down-to-earth and colorful, or the judge won't get it," he said. "There is nothing worse than a dry cross examination."

"In one of his cases, Shulman had to confront a hotly contested element of a patent – a layer of material used in semiconductors that prevents underlying structures from being destroyed during the semiconductor-etching process.

"On cross examination, I started talking about stop signs and whether you could get a ticket by rolling across instead of coming to a full stop."

The judge – more accustomed to stop signs than etch stoppers – quickly got the point – to Shulman's advantage.

"I made it very judge friendly," he said. "It's all in the preparation – getting ready for trial – where the rubber hits and road and where the truth comes out."

– Pat Broderick