The most compelling aspect of choosing the list of leading intellectual property attorneys in California is recognizing the diversity of their achievements, and their ability to stay on the cutting edge of new developments in patent, copyright and trademark law.

While based in the state, leading litigators travel the nation to try cases, whether it’s in the Eastern District of Texas, the U.S. International Trade Commission, or a new U.S. Patent and Trademark Office proceeding to determine whether a patent is valid. A few litigators successfully argued or defended cases before the U.S. Supreme Court. Copyright attorneys were in the midst of battles between technology and content providers. Trademark lawyers fought to protect their clients.

The patent prosecutors and portfolio managers on the list represent medical device makers and technology companies, drafting and defending new patents, protecting trademarks and copyrights, while often handling IP aspects of major acquisitions.

The lawyers chosen for this year’s list helped to advance technological innovation or transform the law while representing a range of clients that includes Hollywood studios, technology giants, aggressive startups, and the daughter of a screenwriter. The list demonstrates the impressive and diverse work done by California attorneys whose work advances the state’s leadership in intellectual property law.

—The Editors

TOP LITIGATORS OF INTELLECTUAL PROPERTY

Douglas H. Carsten

FIRM: Wilson Sonsini Goodrich & Rosati PC
CITY: San Diego
SPECIALTY: Patent

When trying to win a patent case, Carsten is saddled with making complex scientific terms understandable to a court.

In an August victory, he did that by comparing molecules to masking tape.

“To most people, [these products] look like a plate of spaghetti on a piece of paper,” Carsten said.

He fought off a generic drugmaker’s attempt to make an equivalent of Remodulin, which his client, United Therapeutics Corp., created to treat pulmonary hypertension. The company brought the case to protect its patent, which expires in 2017. United Therapeutics Corp. v Sandoz Inc. 12-CV1617 (D. of N.J., filed March 14, 2012).

The challenge was explaining the “highly technical” way the drug was made. In older versions of the treatment, patients must wear an external pack that holds the drug at all times, and because of its volatile nature, the medicine must constantly be kept around ice as well, Carsten said.

United Pharmaceuticals developed a way that still used a pack, but the ice was no longer necessary, and patients could remove the treatment on occasion to take a shower or perform other brief tasks. And the method was too complex for Sandoz to duplicate, Carsten said.

He explained to U.S. District Judge Peter G. Sheridan of the District of New Jersey that each version of the drug protected a particular group of molecules. Using masking tape, he showed United Pharmaceuticals used, so to speak, blue tape to protect the molecules. Sandoz used green, he demonstrated.

“What Sandoz was doing didn’t fall within the scope of the [patent] claims,” Carsten said.

Sandoz was found to have infringed the patent.

—Saul Sugarman