

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

JEFFREY D. GOLDMAN

FIRM:

JEFFER MANGELS BUTLER & MITCHELL LLP

CITY

LOS ANGELES

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Whether helping content producers sue pirates or defending artists from studios, Goldman is a key figure in numerous high-stakes intellectual property fights. And to win, he often needs to be as creative as his entertainment industry clients.

“What I try and do is meld the practical with the theoretical — I enjoy cases that make new and interesting challenges,” he said.

In one case, Goldman’s client, Universal Music Group, was suing another studio, BCD Music Group, for stealing songs and music. Goldman helped Universal secure a more than \$7 million verdict against BCD. The company, however, then “evaded collection by ceasing existence,” he said, and became a new company, Deep Distribution Worldwide Inc. In response, Goldman had to figure out how to make a new entity pay for an old company’s

sins.

“What we persuaded the court to do was treat the new business as a judgment debtor, because it was the alter ego of the original,” he said.

In another matter, Goldman defended music publishers from another company that alleged his clients had improperly used a song it owned. The plaintiff’s case was dismissed without prejudice, because the song owner, Kernel Records, hadn’t applied for U.S. copyright registration. But the no-prejudice dismissal meant Goldman then faced a challenge recouping attorneys fees from Kernel.

The payout Kernel might seek in a refiled case “was much more limited due to the statute of limitations,” Goldman explained. By seizing on that fact, he said, “We were able to convince the district judge that even though the plaintiff could refile his claims, the outcome was tantamount to a dismissal



with prejudice.” That allowed Goldman and his client to pursue fees.

Goldman said such novel thinking doesn’t always make case law, but in the rough and tumble world of IP and copyright law, “Clients ... want outcomes that have practical results.”

— Paul Jones