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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.

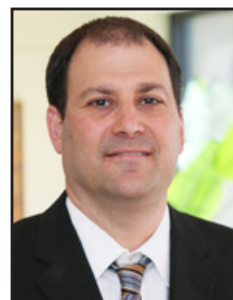
While these attorneys' work has stretched worldwide, some of the biggest cases of the past year took place in California. To qualify for the list, an attorney must be based in California even if much of his or her work is done elsewhere, such as the U.S. International Trade Commission in Washington, 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.

Top 75 Intellectual Property Litigators

Jeffrey D. Goldman

Jeffer Mangels Butler & Mitchell LLP | Los Angeles

Copyright, patent, trademark



Goldman can't upgrade his digital video recording device or watch his kids play with a new gadget without considering the legal ramifications that may arise from the new technology.

"It's hard for me not to think of the legal implications," he said.

When he's not looking into what may affect his clients in the future, he's litigating some of the most complex copyright cases in the entertainment industry.

This year, Goldman defended three music publishing companies and famed music producer Timothy Mosley — professionally known as Timbaland — in a copyright infringement case. A Finnish recording company accused Timbaland and recording artist Nelly Furtado of sampling its music.

Goldman was able to establish that once the work was uploaded to the Internet, it was simultaneously published all over the world. Thus, it was a U.S. work under the Copyright Act and required registration before a suit could be filed. Goldman won the case on summary judgment, and the appellate court affirmed the ruling. The Finnish recording company has petitioned the U.S. Supreme Court for review. *Kernel Records Oy v. Mosley*, 694 F.3d 1294 (11th Cir. 2012).

Goldman also obtained a victory for the Coca-Cola Co. in a copyright infringement case that alleged the company had

unlawfully used a Spanish-language song during a World Cup soccer tournament.

After a district court judge entered an injunction against the soft drink giant, the company switched gears and brought in Goldman to draft a summary judgment motion a couple of months before trial.

He succeeded and later became lead counsel on the appeal.

"You have to be tenacious and never stop thinking about different angles, different ways to obtain results for your client even when they don't appear obvious on the surface," Goldman said.

Goldman was able to prove that an email the plaintiff had written to the defendants acknowledging he intended to transfer the rights to the work to Coca-Cola was enough to serve as an assignment of the copyright under state law. *Hermosilla v. Coca-Cola Co.*, 10-12894 (11th Cir., filed March 25, 2011).

"We were able to persuade the court that even though there was no letter ... no formal contract, no formal document, the plaintiff's email was sufficient proof ... which ultimately changed the case around," he said.

— Connie Lopez