

INTELLECTUAL PROPERTY LITIGATION

We handle a wide range of intellectual property matters across the United States and internationally, including:

- Patent;
- ITC Section 337 investigations;
- Trademark;
- Trade secret;
- Copyright;
- Piracy, counterfeiting & gray market;
- False & misleading advertising litigation; and
- Internet monitoring, enforcement & litigation.

We represent and advise clients with interests in diverse technologies and industries, including computer and electronics, software and financial services, telecommunications, biotechnology, medical devices, pharmaceuticals, consumer products and media.

Our practice starts with top-notch trial lawyers who know how to prepare a case for trial and who have tried patent infringement and other important commercial cases to verdicts before judges and juries. With over 100 attorneys in the IP litigation practice, more than 50 of whom clerked for federal trial and appellate judges and more than 60 of whom have technical degrees, Covington offers clients the requisite combination of attorneys trained in both technology and the law for each engagement. The result is trial teams that provide clients with powerful and sophisticated advocacy.

We draw on Covington's traditional strengths as one of the world's leading law firms, including its litigation, antitrust, FDA, communications, and technology practices. Our depth of experience allows us to handle matters in a cost-effective manner, with lean staffing and cross-office collaboration leading to efficient and complete coverage.

REPRESENTATIVE MATTERS

Patent Litigation

- Representation of Synapttech and Johnson & Johnson subsidiary Janssen Pharmaceutica in patent infringement actions in the District of Delaware against seven generic companies concerning Janssen's Razadyne® drug product for the treatment of Alzheimer's Dementia.
- Representation of Microsoft in securing summary judgment of no infringement in a patent infringement case concerning handheld computers running a version of Microsoft Windows.
- Representation of Atmel obtaining a judgment of \$36.5 million in the Northern District of California relating to circuits and memory cell designs for flash memory and EEPROMs. The verdict has been affirmed by the Federal Circuit.
- Representation of SnapTrack and QUALCOMM in obtaining a favorable jury verdict in a three-week

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jury trial in the Northern District of California brought by Zoltar Satellite Systems involving patents asserted against services that permit calls to the "911" emergency number to be tracked using Global Positioning System (GPS) technology.

ITC Section 337 Investigations

- A-Data, Chipsbank, Afa Technologies, Power Quotient International (PQI), Skymedi, and Corsair (Respondents; multiparty representation), Certain Flash Memory Controllers, Drives, Memory Cards and Media Players, USITC Inv. No. 337-TA-619.
- Emine Technology (Respondent): Certain Switches and Products Containing Same, USITC Inv. No. 337-TA-589.
- Seagate Technology (Respondent): Certain Hard Disk Drives, Components Thereof, and Products Containing the Same, USITC Inv. No. 337-TA-616.
- UMC, ProMOS, Microchip, Micronas and Dongbu HiTek (Respondents; multiparty representation), Certain Semiconductor Integrated Circuits Using Tungsten Metallization And Products Containing Same, USITC Inv. No. 337-TA-648.

Trademark

- Represented Spirits International in defending its rights to the STOLICHNAYA trademarks in litigation against the Russian Federation in the United States District Court for the Southern District of New York.
- Represented American Express in the United States District Court for the Northern District of California against claims by Visa that Advanta, in conjunction with American Express, used Visa marks beyond the scope of a trademark license and contrary to the Lanham Act.
- Represented NBA Properties and the NBA member teams in trademark litigation concerning the DREAM TEAM mark in the United States District Court for the Eastern District of Missouri.
- Represented Yahoo! in a trademark infringement suit in the United States District Court for the Central District of California.
- Represented Bradley Pharmaceuticals in trademark litigation involving the KERALAC mark in the United States District Court for the Eastern District of Pennsylvania.

Trade Secret

- We represent National Geographic in trade secret litigation, including a lawsuit and a pending arbitration, in defending against allegations of misappropriation of trade secrets relating to a database schema and functionality and a website.
- We represented Caliper Technologies in trade secret and patent infringement litigation concerning microfluidics technologies. In state court, we won one of the ten largest jury verdicts for that year. Armed with that verdict, we successfully withstood allegations of patent infringement until our client reached a sufficiently favorable settlement.
- For Northrup Grumman, we defended against allegations of misappropriation of proprietary information concerning electrodeless lighting technology. The strength of our defense, both on liability and damages, drove a favorable settlement.
- Representation of Monsanto Company in antitrust/contact litigation concerning genetically modified crops, pesticides, and herbicides in which the case settled favorably to our client shortly after we asserted trade secret misappropriation counterclaims.

Copyright

- Representation of Sony BMG in *Allman Bros* and *Cheap Trick v. Sony BMG* (SDNY). We represent Sony BMG in defending this class action lawsuit purportedly brought on behalf of recording artists of Sony (and its predecessor labels) alleging that Sony fails to pay the proper royalties for downloaded music and ringtones.
- Representation of the Washington National Cathedral in a lawsuit enjoining a major movie studio from its unauthorized use of a Cathedral sculpture in a popular feature film.
- Representation of Zomba Recording Corporation and Zomba Music Publishing in numerous litigation matters, including claims regarding sound recording and musical copyright infringement, as well as claims concerning breaches of music publishing and music recording contracts.
- Representation of the Public Broadcasting Service in negotiations, administrative proceedings and litigation relating to the distribution of statutory copyright royalties by the United States Copyright Office.

Piracy, Counterfeiting & Gray Market

- For the Business Software Alliance and Microsoft, Covington has coordinated thousands of civil, administrative and criminal copyright enforcement actions throughout the world, generating millions of dollars in settlements and preventing tens of thousands of pirated copies from reaching the market. We are often the first to launch successful enforcement actions against software pirates in developing markets and frequently work closely with local law enforcement, providing necessary training, evidence and support.
- Covington has represented several leading luxury brand owners, including a Coty subsidiary, Davidoff, Montblanc and Parfums Givenchy, in federal courts to obtain nationwide injunctions and settlements against retailers and wholesalers of gray market products. We also have extensive experience with cases involving product tampering and/or commingling of genuine packaging with fake products, and have developed creative legal strategies that maximize border enforcement against unauthorized imports.
- On behalf of the NFL, NBA and other sports leagues, Covington has obtained temporary restraining orders, seizure orders and preliminary and permanent injunctions against the piracy of game telecasts and the sale of counterfeit merchandise. We were victorious in a precedent-setting lawsuit against a satellite carrier transmitting the NFL's copyrighted programming into Canada without authorization, and have successfully sued more than 300 commercial establishments illegally intercepting NFL game telecasts.

False & Misleading Advertising Litigation

- Defended Spirits International against a false advertising claim in the United States District Court for the Southern District of New York against Roust Trading Limited (manufacturers of RUSSIAN STANDARD and IMPERIA vodkas).
- Defended the American Petroleum Institute against false advertising claims tried in a preliminary injunction proceeding in the United States District Court for the Southern District of New York.
- Defended Kentucky Fried Chicken (KFC) against false advertising claims asserted in the United States District Court for the Western District of Virginia.
- Represented Schering-Plough in a false advertising action in the United States District Court for the District of Wisconsin.
- Covington has assisted several leading financial institutions to detect phishing attacks, to identify their source, and to prevent their recurrence. As of March 2007, we had investigated over 8,600 phishing

cases involving nearly 1,000 ISPs in over 70 countries ranging from Antigua to Venezuela, including in particular the United States, Russia and Asia. We have facilitated over 260 law enforcement cases in 25 countries.

- Three weeks before Microsoft's release of its popular Halo2 game, the game was leaked onto the Internet. Working closely with Microsoft, Covington's Internet investigators commenced round-the-clock, worldwide monitoring; utilizing our proprietary technology, forensic skills, and network of ISPs, law enforcement and counsels, we were able to significantly reduce the unauthorized distribution of the game before its official release date.
- Covington has worked with a group of major textbook publishers to effect the take down of Russian websites offering unauthorized eBooks of some of these publishers' most prominent titles.
- In each of the three simultaneous worldwide Internet raids conducted in the past four years, Covington was contacted by leading law enforcement bodies before the raids took place and asked to assist with investigations. Covington provided pre-raid technical training on the nature of the criminal organizations, and supported the investigation post-raid.

Internet Monitoring, Enforcement & Litigation

- On behalf of leading technology providers, including the Business Software Alliance, Microsoft and Adobe, Covington has devised and implemented highly effective notice and take-down campaigns, with a success rate of over 95%.
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ACCOLADES

- Ranked by *Chambers USA* as a leading National Intellectual Property Practice (2009).
- *The Practical Law Company (PLC) - Which Law Firm?*, Intellectual Property, Commercial Intellectual Property (2009)
- *The Best Lawyers in America* (2007-2009)
 - Intellectual Property Law: Robert Fram, Robert Haslam, Roderick McKelvie, George Pappas, Richard Rainey and Christopher Sipes
- *Chambers USA's - America's Leading Business Lawyers* (2009)
 - Intellectual Property: Robert Fram, Robert Haslam, George Pappas and Richard Rainey
 - International Trade: Intellectual Property (Section 337) (2009): Maureen Browne, Sturgis Sobin
- *Chambers Global* (2006-2009)
 - Intellectual Property: George Pappas
- *Daily Journal* (2008 - 2009)
 - Top IP Litigators in California: Robert Fram and Robert Haslam
- *International Who's Who of Business Lawyers* (2005-2006)
 - Patent: Roderick McKelvie and George Pappas

- *PLC - Life Sciences, Which Lawyer?* (2005-2009)
 - Intellectual Property: Paul Berman

- *IP Law & Business* recognized a group of our attorneys among the most active ITC Section 337 practices in the country (2008 - 2009).
- Two of our Covington partners are Fellows of the American College of Trial Lawyers and one was elected a Vice Chair of the Complex Litigation Committee.
- One partner served as a United States District Court Judge for the District of Delaware for ten years presiding over 200 patent infringement cases.
- One partner is a member and former chair of the Northern District of California patent rules committee.