

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

CLARA J. SHIN

FIRM:
COVINGTON & BURLING LLP

CITY
SAN FRANCISCO

SPECIALTIES
TRADEMARK & COPYRIGHT

To win a trademark case, Shin believes an attorney must excel at distilling complex legal concepts into digestible information for a judge and jury.

“It’s about pulling all the facts together to explain what constitutes infringement, even when the other side says they didn’t infringe,” said Shin, a San Francisco-based partner with Covington & Burling LLP. “You have to put it in a narrative that makes sense.”

That’s the skill she believes she brought to the table last summer, when she won \$500,000 in an infringement case brought against her client, New York-based consumer goods maker World Marketing Inc.

In a Central District lawsuit, Shin’s client initially faced accusations of infringing a trademark of apparel retailer Quicksilver Inc., but World

Marketing Inc. turned the tables with counterclaims of infringement.

The case in front of an eight-person jury dealt with whether the VSTR — a line of clothing produced by Quicksilver — infringed World Marketing’s VISITOR mark that it had registered in 1998. World Marketing renewed the VISITOR mark in 2008. *QS Wholesale Inc. v. World Marketing Inc.*, 12-451 (C.D. Cal., filed Mar. 21, 2012).

Shin impeached several witnesses during trial.

“The company represented that it had stopped selling all VISITOR-labeled goods, but I showed on the cross of Quicksilver’s CEO that they continued to sell those goods even throughout trial,” she said.

The jury sided with Shin’s client, awarding \$3.5 million in punitive damages to World Marketing.



U.S. District Judge David O. Carter reduced that figure, but awarded the Covington & Burling team \$1.8 million in fees and nearly \$200,000 in attorney costs. The case is on appeal.

—Saul Sugarman