



## 2021 TOP INTELLECTUAL PROPERTY LAWYERS

### Kurt G. Calia

Calia formerly co-chaired Covington's patent group and was vice chair of the trade secrets committee of the Intellectual Property Owners Association, a trade lobby. He has tried cases on a broad array of technologies, ranging from satellite communications equipment, genetically modified crops, software, pharmaceutical products and light-emitting diodes.

One major client is the Israel-based international defense contractor Elbit Systems Ltd and its subsidiaries, including Elbit Systems of America. "It's the largest Israeli defense contractor with an increasing footprint in the U.S.," Calia said. "The price for that success is that they get dragged into IP disputes in the Court of Federal Claims," where the U.S. government is often the named defendant and Calia's client is a third party.

In one long-running matter, Calia heads the Covington team defending Elbit Systems of America LLC in a patent infringement case related to the helmet-mounted display systems used in the U.S. F-35 Joint Strike Fighter jet. "I visited Israel and met the folks who created the technology," Calia said. "I quipped that I'd taken the case in order to get a ride in the F-35, and the place erupted in laughter. 'You do know that this is a single-pilot plane,' someone said. I had to laugh at myself. 'You mean, no buzzing the tower for me?'"

He called the device in question "an amazing, futuristic helmet that uses infrared cameras mounted outside the plane that project images inside the helmet visor so the pilot has constant access to views, even straight down." *Thales Visionix Inc. v. U.S.*, 1:14-cv-00513 (Ct. Fed. Claims, filed June 16, 2014).

Elbit originally invalidated the Thales patent on patent-eligibility grounds, but that decision was reversed by the U.S. Court of Appeals for the Federal Circuit. Elbit then invalidated the majority of the asserted patent claims in inter partes review at the Patent Trial & Appeal Board, and is currently defending Elbit on the remaining patent claims.

In another long-duration matter at the Court of Federal Claims, Calia leads the Covington team defending Elbit as third party against claims of patent infringement related to border surveillance technology that includes real-time communication of urgent data to emergency response agencies. *3rd Eye Surveillance LLC v. U.S.*, 1:15-cv-00501 (Ct. Fed. Claims, filed May 15, 2015).

"We defeated the plaintiffs' summary judgment motion; the court was not inclined to find infringement," Calia said.

Meanwhile, Calia said he longs for a post-pandemic return to the office. "I miss my colleagues. I suspect that in the future law firms will take greater advantage of



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technology to work remotely, but there is no substitute for being with people at work. Having a cup of coffee and brainstorming with people you run into in the hallway—I hate to lose that."

— John Roemer