

Business Is Booming at the ITC

With investigations up by 25 percent last year, specialists are in high demand.

—By Eriq Gardner

“ Half the firms listed last year didn’t make it this year, including Howrey and Bingham McCutchen, while this year’s list has a clutch of new names, including **Morrison & Foerster** and Alston & Bird. **Mofo ITC veteran Brian Busey** has recently hired several former clerks at the Federal Circuit to work as associates in Washington, D.C. to help with the firm’s new case load; MoFo was hired for six cases filed in 2007 after not gaining any new ITC work in the previous two years. Though the firm would like to hire more lateral partners with strong ITC experience, it’s hard to do, says **MoFo IP practice head Harold McElhinny**: “The market parallels that for experienced patent trial lawyers—there is great demand, so many people are marketing themselves as ITC specialists. But the very experienced ones rarely move.”

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WHICH LAW FIRMS WERE ACTIVE AT THE ITC IN 2007?

Firm	2007 Investigations: Counsel for Complainants + Respondents = Total
FISH & RICHARDSON	5 + 8 = 13
ADDUCI	5 + 7 = 12
MILLER & CHEVALIER	8 + 3 = 11
FINNEGAN HENDERSON	5 + 1 = 6
MORRISON & FOERSTER	2 + 4 = 6
ALSTON & BIRD	2 + 3 = 5
DLA PIPER	3 + 2 = 5
HELLER EHRMAN	1 + 4 = 5
KIRKLAND & ELLIS	1 + 4 = 5
MCDERMOTT WILL & EMERY	2 + 3 = 5
AKIN GUMP	0 + 4 = 4
ARENT FOX	4 + 0 = 4
FOLEY & LARDNER	1 + 3 = 4
ORRICK	1 + 3 = 4
SIDLEY AUSTIN	0 + 4 = 4
WILMER	1 + 3 = 4

METHODOLOGY

To compile these charts, we used public information from the ITC. Cases are listed in chronological order according to the date the complaint was filed. Our count of counsel for complainants and respondents is tallied on the basis of court appearances or filed documents. Counsel that withdrew from representation are included in the firm ranking, but firms that represented third parties are not. Status was current as of April 23, 2008.

A YEAR’S WORTH OF CASES AT THE ITC

Complainant(s)	Complainants’ Counsel	Respondent(s)	Respondents’ Counsel	Description	Status
3M Company & 3M Innovative Properties Company (St. Paul)	Fish & Richardson	From Japan: Sony Corporation (Tokyo); Sanyo Electric Co., Ltd. (Moriguchi, Osaka); Matsushita Electric Industrial Co., Ltd. (Kadoma, Osaka). From the U.S.: Sony Electronics, Inc. (San Diego); CDW Corporation (Vernon Hills, Illinois); Batteries.com (Indianapolis); Hitachi Koki USA, Ltd. (Norcross, Georgia); Panasonic Corporation of North America (Secaucus, New Jersey); Total Micro Technologies, Inc. (Irvine, California); Lenovo, Inc. (Morrisville, North Carolina). From Hong Kong: Lenovo Group Limited	Akin Gump (Lenovo); McDermott Will & Emery (Hitachi Koki, Matsushita/Panasonic); Kenyon & Kenyon (Sony); Morrison & Foerster (Sanyo); Dickstein Shapiro (CDW); Krieg Devault (Batteries.com)	Infringement of 2 patents covering rechargeable lithium-ion batteries	Total Micro found in default in 2007 and no exclusion order sought. The rest of respondents disposed of as follows: Matsushita/Panasonic terminated June 27, 2007, per confidential license and settlement agreement; Batteries.com terminated in July 2007 after confidential settlement agreement and consent judgement in which Batteries.com agreed not to import infringing products; Sony terminated in August 2007 per confidential settlement and licensing agreement; Lenovo terminated in September 2007 on the grounds that it imports only Sony or Matsushita/Panasonic batteries which are now licensed under 3M; Sanyo terminated in November 2007 per confidential settlement and licensing agreement; Hitachi & CDW covered by settlement agreements with Sony, Matsushita & Sanyo and thus terminated in November 2007. Infringement suits filed in Minnesota federal district court also dismissed for settling respondents. Investigation terminated December 2007

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Toshiba Corporation (Tokyo); Toshiba America Consumer Products, LLC (Wayne, New Jersey)	Morrison & Foerster	From China: Dongguan GVG Digital Technology Ltd., Dongguan Tonic Electronics Co., Ltd., Dongguan Xin Lian Digital Technology Co. Ltd. (Dongguan, Guangdong); Tonic DVB Marketing Ltd., Tonic Technology (Shenzhen) Ltd. (Shenzhen City, Guangdong). From the U.S.: Daewoo Electronics America, Inc. (Lyndhurst, New Jersey); jWIN Electronics Corporation (Port Washington, New York); Memcorp Inc. (Weston, Florida). From Hong Kong: GVG Digital Technology Holdings Ltd., Starlight Electronics Co. Ltd., Starlight International Holdings Ltd., Starlight Marketing (HK) Ltd., Tonic Digital Products Ltd., Tonic Electronics Ltd., Tonic Industries Holdings Ltd., Tonic Technology Limited, Tonic Trading Development Ltd.	Handal and Associates (Tonic, Starlight, Memcorp, jWIN & Dongguan Xin Lian); Akin Gump (Daewoo); Ostrager Chong Flaherty & Broitman (jWIN) (withdrew May 24)	Infringement of 3 patents covering DVD player and recorder technology	Daewoo: terminated on July 11, 2007 based on licensing agreement; Duanggong GVG Digital Technology & GVG Digital Technology: found in default on July 30, 2007 and subject to limited exclusion order entered on February 15, 2008; jWIN and Memcorp: both terminated on basis of consent orders dated July 26, and August 6, 2007, respectively; Tonic respondents and Starlight respondents: terminated on November 15, 2007 on basis of confidential licensing agreement. Investigation terminated February 2008
Funai Electric Co., Ltd. (Daito, Osaka, Japan); Funai Corporation (Rutherford, New Jersey)	Morrison & Foerster; Miller & Chevalier	From the U.S.: Vizio, Inc. (Irvine, California); Polaroid Corporation (Waltham, Massachusetts); Petters Group Worldwide, LLC (Minnetonka, Minnesota); Syntax-Brilliant Corporation (Tempe, Arizona); Proview Technology Inc. (Garden Grove, California); TPV International (USA), Inc. (Austin); Envision Peripherals, Inc. (Fremont, California); International Reliance Corp. (San Dimas, California). From Taiwan: AmTran Technology Co., Ltd., and Taiwan Kolin Co., Ltd. (Taipei); Top Victory Electronics (Taiwan) Co., Ltd. (Chungho City). From Hong Kong: Proview International Holdings, Ltd.; TPV Technology, Ltd. From China: Proview Technology (Shenzhen) Co., Ltd. (Shenzhen)	Greenberg Traurig (Syntax-Brilliant & Taiwan Kolin); Pauley Petersen & Erickson (Syntax-Brilliant & Taiwan Kolin); Tyre Kamins Katz & Granof (Syntax-Brilliant & Taiwan Kolin); Sidley Austin (AmTran, Vizio & Proview); Ropes & Gray (Polaroid & Petters Group); O'Melveny & Myers (TVP, Top Vision & Envision); Adduci Mastriani (TVP, Top Vision & Envision); Sheppard Mullin (International Reliance); Dykema Gossett (Polaroid & Petters Group); Silver & Freedman (Syntax & Taiwan Kolin); Fulwider & Patton (International Reliance)	Infringement of 2 patents covering digital televisions sets and technology	Hearing set for mid-August 2008; judge's ruling expected by November 15. International Reliance terminated in April on basis of confidential settlement and license agreement
Bose Corporation (Framingham, Massachusetts)	Fish & Richardson	From New Zealand: Phitek Systems Limited (Auckland). From the U.S.: GN US, Inc. (Nashua, New Hampshire); Audio-Technica U.S., Inc. (Stow, Ohio); Creative Labs, Inc. (Milpitas, California); Logitech Inc. (Fremont, California); Panasonic Corporation of North America (Secaucus, New Jersey)	Akin Gump (Audio Technica); Welsh & Katz (Audio Technica); Jackson Walker (Creative Labs, GN Netcom, Phitek & Logitech); Adduci Mastriani (Panasonic); Amster Rothstein & Ebenstein (Panasonic); Morrison & Foerster (Creative Labs, Phitek); Braswell & Associates (Phitek)	Infringement of 2 patents covering noise-cancelling headphones	Hearing set for early August 2008; judge's ruling expected by January 6, 2009. Motion to terminate Logitech on basis of settlement agreement is pending
Seoul Semiconductor Company, Ltd. (Seoul)	Finnegan, Henderson, Farabow, Garrett & Dunner	Nichia Corporation (Anan, Tokushima, Japan)	Paul Weiss Rifkind Wharton & Garrison; Morrison & Foerster	Infringement of 1 patent covering short-wavelength laser technology	Hearing date not yet set; judge's ruling expected by January 14, 2009. A motion is pending to amend the complaint and add Hitachi Ltd., Hitachi America Ltd., Panasonic Communications Co., Ltd., & Matsushita Electric Industrial Co., Ltd. as respondents. Companion litigation filed by complainant in federal district court in the Eastern District of Texas
Samsung Electronics Co., Ltd. (Seoul)	Fish & Richardson	From Japan: Sharp Corporation (Osaka). From the U.S.: Sharp Electronics Corporation (Mahwah, New Jersey); Sharp Electronics Manufacturing Company of America, Inc. (San Diego)	Morrison & Foerster	Infringement of 4 patents covering liquid crystal display (LCD) technology	Hearing set for end of October 2008; judge's ruling expected by January 25, 2009 ■