

Daily Journal

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The Leading Intellectual Property Attorneys in California 2015

The most compelling aspect of choosing the list of leading intellectual property attorneys in California is recognizing the diversity of their achievements, and their ability to stay on the cutting edge of new developments in patent, copyright and trademark law.

While based in the state, leading litigators travel the nation to try cases, whether it's in the Eastern District of Texas, the U.S. International Trade Commission, or a new U.S. Patent and Trademark Office proceeding to determine whether a patent is valid. A few litigators successfully argued or defended cases before the U.S. Supreme Court. Copyright attorneys were in the midst of battles between technology and content providers. Trademark lawyers fought to protect their clients.

The patent prosecutors and portfolio managers on the list represent medical device makers and technology companies, drafting and defending new patents, protecting trademarks and copyrights, while often handling IP aspects of major acquisitions.

The lawyers chosen for this year's list helped to advance technological innovation or transform the law while representing a range of clients that includes Hollywood studios, technology giants, aggressive startups, and the daughter of a screenwriter. The list demonstrates the impressive and diverse work done by California attorneys whose work advances the state's leadership in intellectual property law.

—The Editors

TOP LITIGATORS OF INTELLECTUAL PROPERTY

Kelly M. Klaus

FIRM:

Munger, Tolles & Olson LLP

CITY

San Francisco

SPECIALTY

Copyright



Whether he is defending the controversial copyright to “Happy Birthday to You,” or fighting a long-running legal battle over a Digital Millennium Copyright Act lawsuit over a YouTube video, Klaus continues to find himself in the middle of major legal battles.

He helped successfully defend client Activision Blizzard Inc. in a right of publicity lawsuit filed by former Panamanian ruler Manuel Noriega, who sued the company because of his appearance in the “Call of Duty: Black Ops II” video game.

Working with former New York City Mayor Rudolph Giuliani, Klaus persuaded Los Angeles County Superior Court Judge William H. Fahey to dismiss Noriega’s complaint in October. *Noriega v. Activision Blizzard Inc. et al.*, BC551747 (L.A. County Super. Ct., filed July 15, 2014).

Klaus continues to represent Universal Music Corp. in what has been nicknamed the “dancing baby” case.

At issue is a DMCA takedown notice that Universal Music Corp. sent to Google Inc. in relation to a video that the plaintiff, Stephanie Lenz, uploaded to its YouTube service of her young son dancing while Prince’s “Let’s Go Crazy”

plays in the background.

“One of the disputed questions in this case is whether Congress intended someone sending a takedown notice to go through an exercise of evaluating fair use on the pain of potentially being dragged into court and sued as Universal has been,” he said.

The case is pending in the 9th U.S. Circuit Court of Appeals. *Lenz v. Universal Music Corp.*, 13-CV16106 (9th Cir., filed June 20, 2013).

Klaus is also defending Warner/Chappell Music Inc. in a putative class action challenging the validity of Warner/Chappell’s copyright to the lyrics and music of “Happy Birthday to You.”

“The plaintiffs have raised the question of whether the copyright actually exists in this case,” he said.

The parties have completed briefing on cross-motions for summary judgment.

— Hetert-Qebu Walters