

# Daily Journal

APRIL 9, 2014

## 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

### KELLY M. KLAUS

**FIRM:**

**MUNGER, TOLLES & OLSON LLP**

**CITY**

SAN FRANCISCO

**SPECIALTY**

COPYRIGHT

College sports organizations, big record labels, major broadcasting companies — Klaus’s clients are at the forefront of important copyright infringement fights that are playing out in courts across the nation.

Klaus is leading the Munger, Tolles & Olson LLP team representing the National Collegiate Athletic Association in a class action in which college athletes are seeking to strike down association rules that bar athletes from being compensated for use of their names or images. *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*, 09-1967 (N.D. Cal., filed May 5, 2009).

The high-profile trial, which counts former UCLA basketball player Ed O’Bannon as one of the lead plaintiffs, is scheduled for June.

“What’s at stake is the collegiate

model of athletics,” Klaus said. “What the schools are about are providing athletics opportunities for students, not professionals that you bid for. There are professional leagues that if somebody is not interested in that model, if they want to get paid for playing, they can go do that.”

Klaus is also involved in the famous “dancing baby” case on behalf of the defendant, Universal Music Corp.

The plaintiff in the case alleged that Universal sent a knowingly false takedown notice after she posted a video of her toddler to the Prince track, “Let’s Go Crazy.”

Klaus said the case, currently before the 9th U.S. Circuit Court of Appeals, could set a difficult precedent for vigilant copyright owners. *Lenz v. Universal Music Group Inc. et al*, 07-3783 (N.D. Cal., filed July 24, 2007).

“I think the fundamental question in



the case is whether somebody who is combating really mass rampant piracy is going to be subject to a claim for damages liability where the plaintiff has absolutely no damages,” Klaus said. “Copyright owners are facing literally millions of infringers and are trying to play a game of Whack-a-Mole.”

— Kevin Lee