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## JOURNAL

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### Conferences/Intellectual Property

#### **Knowing Clients and Courts Is Key for Intellectual Property Practitioners**

**S**AN FRANCISCO — Women intellectual property attorneys will help themselves and their clients by learning the judges before whom they practice and learning what clients want most, IP lawyers said Oct. 11.

Practitioners at a luncheon sponsored by DLA Piper, Association of Corporate Counsel San Francisco Bay Area Chapter, and Women in Licensing Bay Area offered practical tips from the bench and bar about IP practice.

**'Be Nice and Pay Attention.'** Courtesy counts in the courts, said U.S. Magistrate Judge Cathy Ann Bencivengo for the U.S. District Court for the Southern District of California.

"Be nice to my law clerk. Because if you're not, I'm going to hear about it, and the district court judges are going to hear about it," Bencivengo said.

"Protect your clients rights but be approachable, be civil," the magistrate said. And do not waste the court's time, she said.

Do the work before taking an issue to the court so "when it get to me, it's a crystallized issue," Bencivengo said. "I feel like Mom so much on issues."

The judge said lawyers should always leave time to proof read or spell check a document because mistakes are distracting.

When dealing with the court, either in person or in telephone conferences, give the proceeding undivided attention, said Bencivengo. That means no reading or sending e-mail or text messages.

Paying attention also goes for the client sitting at the table in court. Jurors get offended when they see the client go in and out of the courtroom as if he has better things to do than be there, she said.

"Make your client likeable to the fact finders," said Pamela Fulmer, a patent litigation partner with DLA Piper in San Francisco, who suggests having one client representative sit at the table all the time to be the face of that client.

**Being Valuable.** Attorneys should embrace computer technology and become the go-to IT person on the team and in the firm, the judge said.

"Instead of reading the documents, you will be supervising everybody else, which is way more fun," Bencivengo said.

Bencivengo said to be the person who knows the rules of the court, the judge, and local rules, down to what format or font the court uses.

"Becoming a leader requires an effort. That's really the bottom line," Bencivengo said.

Learning the rules is especially important when practicing in unfamiliar districts, said M. Elizabeth Day, a partner with DLA Piper's East Palo Alto, Calif., office.

The U.S. District Court for the Eastern District of Texas is one of the hottest districts for patent litigation. In 2002, 32 patent cases were filed in the "very plaintiff-friendly" district, rising to 265 in 2006, and 250 thus far in 2007, Day said.

Judges in Texas, Day said, "expect you to turn over everything that might be remotely connected" to the case.

**Getting New Clients.** When it comes to getting new business from a company, the panelists said knowledge of the company and its issues is critical.

"It's not enough to pitch legal knowledge" but knowledge of what the company is trying to accomplish, said Anirma Gupta, chief IP and litigation counsel for Intuit Inc. Be practical and understand the business realities of budget and time pressures when seeking to work with in-house counsel, Gupta said.

But, Gupta said a pet peeve is "when outside counsel who can't stop talking long enough to listen."

Mona Sabet, vice president for IP at Cadence Design Systems Inc., suggested treating the meeting with in-

house counsel as a job interview. Sabet noted that Cadence was sued in the Eastern District of Texas, “and 24 lawyers found out before we did and e-mailed” to offer their services.

Julie Mar-Spinola, the former vice president for global affairs, litigation and intellectual property at Atmel Corp., said it she looked for diversity on the team because a “diverse team makes an effective team.”

**Being Effective.** Effectiveness also means timely responses to in-house counsel and communicating. Sabet said information comes in spurts via e-mail “and I have

to continually summarize it for my boss.” Synthesizing information is helpful, Sabet said.

Understand what clients are expecting, how much lead time they need to review the brief, how do they want a summary, and whether briefs should be hard copies or electronic, said Fulmer.

“We’re sophisticated users of legal services, because we come from law firms,” Mar-Spinola said.

Said Gupta: “I don’t hire law firms. I hire lawyers.”

BY JOYCE E. CUTLER