

A SPECIAL REPORT

INTELLECTUAL PROPERTY HOT LIST

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ARNOLD & PORTER

Arnold & Porter has built its intellectual property department to handle the growing demands imposed by ever-changing technology. In the past year alone, the firm has added 29 IP attorneys.

"In the IP space, because of the relative newness of the industries and how quickly they're advancing, you're constantly confronted with how legal principles should be applied to new technologies," said Ronald Johnston, co-chairman of Arnold & Porter's intellectual property practice. "The last few years have been a concentrated effort to take the practice to the next level."

Last year, the firm represented a consortium of sports leagues in copyright royalty litigation. The consortium challenged the copyright royalties connected with retransmission broadcast programming from 2004 to 2005. Cable and satellite television providers offered \$30 million, while the consortium demanded \$100 million. After a three-week trial that included testimony from 50 witnesses, the Copyright Royalty Board judges awarded the full \$100 million. The decision was appealed and ultimately resolved in December 2011.

"We hope that the results of this decision is one that going forward allows parties to avoid litigation," said Robert Garrett, one of the lead partners representing the consortium.

In July, the firm, on behalf of Crocs Inc., successfully blocked the importation of knockoff foam shoes that infringed the company's design patents. The complaint, filed in 2006 at the International Trade Commission, sought to stem the influx of infringing footwear. The ITC validated the design patent, and the Federal Circuit concurred. Arnold & Porter is currently working with customs officials to identify and halt the import of knockoffs.

The firm also represented the domain registry company VeriSign Inc. in federal district court and the U.S. Court of Appeals for the Ninth Circuit. The Coalition for ICANN Transparency challenged the contract between VeriSign and ICANN (the Internet Corp. for Assigned Names and Numbers), alleging violations of antitrust laws. The litigation sought to upend the agreements negotiated between VeriSign and ICANN, which became a model for similar agreements with other registries.