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Intellectual Property 2013

One of the striking things about picking the list of top intellectual property attorneys, aside from the difficulty of choosing among hundreds of highly qualified nominees, is the diversity of their achievements. The litigators chosen travel the country to do battle for their clients.

While these attorneys' work has stretched worldwide, some of the biggest cases of the past year took place in California. To qualify for the list, an attorney must be based in California even if much of his or her work is done elsewhere, such as the U.S. International Trade Commission in Washington, D.C., the U.S. Patent and Trademark Office in Virginia, and district courts in Texas, Delaware, Illinois and elsewhere. And their focus must be on intellectual property, as opposed to general litigators who sometimes handle such work.

— The Editors

Top 75 Intellectual Property Litigators

David Enzminger

Winston & Strawn LLP | Los Angeles
Patent, trade secret



Growing a firm's presence isn't easy, but Enzminger appears to be up to the challenge.

"As a firm we're very strong in the Midwest and East Coast, and we'd like to grow in California," he said. "We've made a lot of progress here."

The firm has in the past two years tripled the number of lawyers in the L.A. office dedicated to IP, and Enzminger has been a key part of that expansion. He has also scored a number of noteworthy wins of late, including one of his biggest accomplishments to date in a case pitting International Gaming Technology against a competitor, the now-defunct Aruze Gaming USA. *IGT v. Aruze Gaming USA*, CV11-02102 (2nd Judicial District, Nev., filed July 14, 2011).

IGT claimed that former IGT employees joined Aruze and took company secrets with them. Aruze, a Nevada company, opened offices in California to void noncompete agreements between former IGT employees and IGT, Enzminger said.

"We had litigation in California and Nevada to convince the California courts to let the Nevada courts proceed, and then litigation in Nevada to pursue the merits of the case," he said. Meanwhile, computer forensics uncovered multiple instances of Azure using confidential information that belonged to IGT.

"After the first day of trial, it had gone so well that the court called

everyone in and suggested a settlement," Enzminger said.

Last December, Enzminger represented consumer electronics company Belkin International Inc. against patent infringement claims by Fujitsu Ltd., which claimed Belkin was infringing its WiFi patents. *Fujitsu Ltd. v. Belkin International Inc.*, CV10-03972 (N.D. Cal., filed Dec. 4, 2012).

"The challenge here was we did not have a defense on direct infringement — and the patent had been examined by the patent office twice before," Enzminger said. Despite significant odds against them, Enzminger said an "unusually smart jury" helped his side secure victory.

"We were able at trial to defeat the claims by showing the patent was invalid because it was both anticipated and obvious," he said.

Enzminger's involvement with big cases is deliberate, and he said his mission — and that of Winston & Strawn — is to continue enhancing the West Coast practice through such efforts.

"I think the practice is evolving," he said. "I hope to be taking on more difficult cases ... [Last year] was certainly the best year since the recession started."

— Paul Jones