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TOP INTELLECTUAL PROPERTY LAWYERS



Quinn Emanuel Urquhart & Sullivan, LLP REDWOOD SHORES

Kevin P.B. Johnson

Kevin P.B. Johnson litigates matters concerning patent infringement, trade secrets, unfair competition, antitrust, trademark, copyright and licensing as a partner at Quinn Emanuel Urquhart & Sullivan, LLP. He's been with the firm since 2003.

It was Johnson who founded Quinn Emanuel's patent practice nearly 20 years ago. After law school, he'd been recruited to the respected IP boutique Fish & Neave

and eventually opened its Palo Alto office. As that firm headed toward a merger, Johnson looked around.

"I wanted to start something that would make an impact on a world-wide basis," he said. His research suggested that Quinn Emanuel didn't do much IP back then. Johnson said he got a warm reception to his plan to change that from firm leaders John B. Quinn and William A. Urquhart.

"They saw what a fast-growing area of law IP was," Johnson said. He added that when he arrived, the firm had one IP litigator, Charles K. Verhoeven. "Charley Verhoeven had done a patent trial, but the firm had nobody who had spent a career doing patent cases. Now, every one of our offices worldwide does them." Johnson estimates that Quinn Emanuel now has as many as 400 IP lawyers.

Johnson mentioned that he is a direct descendent of the Hatfield family that famously feuded with the McCoys for decades in Appalachia in the 1880s and '90s. Echoing that prolonged clash was litigation extending over a decade in which Johnson finally prevailed last year for client Salesforce Inc., eliminating hundreds of millions in claims by a persistent plaintiff who claimed Salesforce infringed two patents on accessing applications over the

internet. Applications in *Internet Time LLC v. Salesforce Inc.*, 3:13-cv-00628 (D. Nev., filed Nov. 8, 2013).

Over the decade, the asserted patents were first invalidated in inter partes review, then restored on appeal. The plaintiff's lead counsel changed several times; so did the presiding judge and magistrate. Finally, in September 2023, the court granted Salesforce summary judgment of invalidity on grounds that Johnson had steadfastly advocated from the start of the litigation.

"We stuck with it. We demonstrated tenacity," Johnson said. "The judge finally said there was no good faith basis for the plaintiff to continue. We've been awarded attorney fees — a big number."

In another long-running case, Johnson represents medical test maker Natera Inc. Over nearly five years, his countersuit against a rival company at last resulted in a \$96.5 million infringement verdict from a federal jury in Delaware. *Natera, Inc. v. CareDx, Inc.*, 1:20-cv-00038 (D. Del., filed Jan. 13, 2020).

"They started that fight," Johnson said. "I always look for leverage and momentum, and after we invalidated their patent, we had it."

— JOHN ROEMER