



Stan Panikowski

Partner

CO-CHAIR, APPELLATE ADVOCACY PRACTICE

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Stan Panikowski is an appellate and trial litigator with experience in intellectual property, antitrust and other areas of business litigation, including class actions.

He has successfully represented clients before the United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Ninth Circuit, the California Supreme Court, the California Court of Appeal, various federal district courts and the International Trade Commission. He also counsels clients on intellectual property and constitutional issues and has experience in negotiating complex license agreements.

Mr. Panikowski is also a speaker and writer on issues in patent and appellate litigation and has been an adjunct professor of law at the University of San Diego School of Law. He recently served as President of the San Diego Chapter of the Federal Bar Association.

In 2009, *San Diego Metropolitan Magazine* selected Mr. Panikowski as one of its "40 Under 40" honorees, recognizing him as "one of the brightest and most enterprising young people in San Diego County." In 2008, the *San Diego Daily Transcript* named him one of the top young attorneys in San Diego.

Mr. Panikowski has also been named to *The Best Lawyers in America* in every year since 2011 and was recently named to *Super Lawyers* for San Diego.

Mr. Panikowski previously served as a law clerk to the Honorable Sandra Day O'Connor of the Supreme Court of the United States and the Honorable J. Harvie Wilkinson III of the United States Court of Appeals for the Fourth Circuit.

EXPERIENCE

REPRESENTATIVE APPELLATE LITIGATION MATTERS

- *International Rectifier Corp. v. Samsung Electronics Co., Ltd.*, 361 F.3d 1155 (Fed. Cir. 2004) – Obtained full reversal of contempt order against client for allegedly violating injunction against patent infringement
- *Freeman v. Lasky, Haas & Cohler*, 410 F.3d 1180 (9th Cir. 2005) – Obtained full affirmance of order dismissing antitrust claims against clients with prejudice
- *International Rectifier Corp. v. Samsung Electronics Co., Ltd.*, 424 F.3d 1235 (Fed. Cir. 2005) – Obtained vacatur and remand

RELATED SERVICES

- Intellectual Property and Technology
- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs
- Patent Litigation
- Trademark and Copyright
- Antitrust and Competition

of reduction in attorney's fees to which prevailing client was entitled in patent infringement matter

- *Sony Electronics Inc. v. Superior Court* (Cal. Ct. App. 2006) – Obtained vacatur of class certification order on writ review
- *e-Pass Technologies v. Hewlett-Packard Company, et al.* (Fed. Cir. 2007) – Obtained full affirmance of summary judgment of noninfringement on behalf of manufacturer of handheld computer devices
- *Grosset v. Wenaas* (Cal. Supreme Ct. 2008) – Obtained unanimous affirmance of California Court of Appeal decision imposing continuous stock ownership requirement on plaintiffs in shareholder derivative suits
- *Schutte & Koerting v. Swett & Crawford* (9th Cir. 2008) – Obtained affirmance of district court decision granting summary judgment in favor of clients on statute of limitations defense in broker negligence action
- *Bodum USA, Inc. v. La Cafetiere, Inc.*, 621 F.3d 624 (7th Cir. 2010) – Obtained affirmance of district court decision granting summary judgment in favor of clients in trade dress infringement action
- *Ergo Licensing, LLC v. CareFusion 303, Inc.*, 673 F.3d 1361 (Fed. Cir. 2012) – Obtained affirmance of district court decision granting summary judgment of patent invalidity in favor of client
- *Prism Technologies, LLC v. McAfee, Inc.*, et al., (Fed. Cir. 2013) – Obtained affirmance of district court decision granting summary judgment of noninfringement in favor of client Trend Micro and other defendants
- *FG Hemisphere Associates, LLC v. Unocal Corporation, et al.*, (9th Cir. 2014) – Obtained reversal of district court decision concerning sovereign immunity of client Democratic Republic of Congo
- *Sanofi-Aventis Deutschland GmbH, et al. v. Glenmark Pharms. Inc.*, 748 F.3d 1354 (Fed. Cir. 2014) - Obtained affirmance of non-obviousness verdict and damages award on behalf of client Abbott.

OTHER REPRESENTATIVE MATTERS

- Represented or representing clients in appeals involving patent, trademark, class action, False Claims Act, bankruptcy, and other issues
- Obtained orders authorizing seizures of counterfeit and unauthorized merchandise on behalf of the NFL and NFL Properties LLC in connection with Super Bowl XXXVII in San Diego
- Represented large technology company in several patent litigation matters relating to computer technology in International Trade Commission and district courts; cases were settled favorably for client after prevailing in International Trade Commission trial
- *In re Western States Wholesale Natural Gas Antitrust Litigation*, 368 F. Supp. 2d 1110 (D. Nev., 2005) – Obtained dismissal with prejudice of antitrust and unfair competition claims against energy company; cases were settled favorably for client after dismissal
- Represented veterans organizations *pro bono* as *amici* in proceedings before Federal Circuit and United States Supreme Court
- Represented group of scientists and scholars *pro bono* as *amici* in support of petition for certiorari to United States Supreme Court

CREDENTIALS

Admissions

- California

Recognitions

Stan has been recognized by *The Legal 500 United States*.

Education

- J.D., University of Virginia 1999
Order of the Coif
Virginia Law Review
- B.A., Philosophy, Politics and Economics, University of Oxford 1995

First Class Honors

Rhodes Scholar

- B.A. and M.A., Emory University 1993
summa cum laude
Phi Beta Kappa

Courts

- Supreme Court of California
- Supreme Court of California
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Central District of California
- United States District Court for the Northern District of California

Memberships

- Lawyer Representative to the Ninth Circuit Judicial Conference, Southern District of California
- Legal Aid Society of San Diego, President of Board of Directors
- Federal Bar Association, Past President of the San Diego Chapter
- Merit Selection Panel for Appointment and Reappointment of Magistrate Judges, Southern District of California, Chair (2009)
- Local Rules Committee for Southern District of California (2009), Member
- San Diego County Bar Association Ethics Committee, Member (2009 - 2013)
- San Diego County Bar Association, American Bar Association and Association of Business Trial Lawyers
- Louis M. Welsh American Inn of Court, Alumnus
- Promises2Kids Foundation, Member (2005 - 2011)
- Association of American Rhodes Scholars, Board Member (2004 - 2014)
- Adjunct Professor of Law, University of San Diego School of Law, courses in patent litigation and constitutional law (2006-2007 and 2010-2011)

INSIGHTS

Publications

Supreme Court Corner

24 July 2019

The Court clarifies a circuit split over copyright in *Fourth Estate* and, in *Mission Product Holdings*, says a licensee's rights survive the licensor's bankruptcy.

In *Albrecht*, US Supreme Court narrows implied preemption of failure-to-warn claims, finds preemption is legal issue for judge, not jury

21 MAY 2019

The *Albrecht* decision clarifies and substantially narrows the scope of preemption under the *Wyeth v. Levine* “clear evidence” standard.

Supreme Court Corner Q1 2019

11 APR 2019

In celebration of the 10th anniversary of IPT News, we note that 10 years ago, in the first quarter of 2009, Bernard L. Bilski filed his petition in the landmark *Bilski v. Kappos*, 561 U.S. 593 (2010), forever shaping the patentability of business methods.

Supreme Court hears oral argument in *Fosamax*: key takeaways

8 JAN 2019

None of the justices indicated a desire to upset the *Wyeth v. Levine* framework.

Supreme Court Corner Q4 2018

20 DEC 2018

A trademark case concerning the Lanham Act's prohibition of "immoral" marks; a patent case asking whether the government is a "person" under the AIA.

Supreme Court Corner Q3 2018

27 SEP 2018

The court rules on recovery of lost foreign profits and ponders patentability issues in an invention's sale to a third party that is obligated to keep the invention confidential.

Supreme Court agrees to hear *Fosamax*

29 JUN 2018

The grant of certiorari comes on the heels of Justice Anthony Kennedy's retirement announcement.

Supreme Court Corner Q2 2018

28 JUN 2018

Key Supreme Court decisions in the copyright and patent areas.

Supreme Court Corner Q1 2018

30 MAR 2018

Key Supreme Court decisions in the copyright and patent areas.

Supreme Court Corner Q4 2017

27 DEC 2017

Supreme Court Corner Q3 2017

29 SEP 2017

The Lanham Act's disparagement clause violates the free speech clause of the First Amendment and inter partes review before the Patent Trial and Appeal Board.

Supreme Court Corner: Q1 2017

30 MAR 2017

Key Supreme Court decisions in the copyright and patent areas.

Supreme Court Corner - Q4 2016

20 DEC 2016

Two patent cases, two copyright cases

Supreme Court Corner: Q3 2016

26 SEP 2016

Does the Lanham Act's disparagement clause violate the First Amendment or is it impermissibly vague? And does the equitable defense of laches bar a claim for monetary remedies for patent infringement?

Supreme Court Corner: Q1 2016

29 MAR 2016

Two cases to watch.

Supreme Court Corner: Q4 2015

2 DEC 2015

A recent fair use decision, plus three significant cases to watch

Supreme Court Corner: Q2 2015

9 JUN 2015

Recent decisions and cases to watch

Supreme Court Corner - Q1 2015

24 MAR 2015

Recent decisions and cases to watch

Supreme Court Corner - Q3 2014

10 SEP 2014

A review of cases relevant to IPT decided or argued before the Court during Q3

Supreme Court Corner - Q2 2014

26 JUN 2014

Key IPT cases before the United States Supreme Court

Supreme Court Corner Q1 2014

26 MAR 2014

A review of cases relevant to intellectual property and technology.

Supreme Court Corner: Q4 2013

5 DEC 2013

Supreme Court corner - Q3 2013

4 SEP 2013

Supreme Court Corner: Q2 2013

4 JUN 2013

Supreme Court Corner: Q1 2013

7 MAR 2013

Divided court revives divided infringement

10 Dec 2012

A recent Federal Circuit decision restores a type of patent infringement claim that it had extinguished five years earlier. The issue is: can a defendant be liable for infringement of a method claim when no single actor commits all the acts that constitute direct infringement?

Supreme Court issues *Bilski* decision

6 Oct 2010

Supreme strategies in IP cases

3 Dec 2009

Will less control over licensing mean more litigation?

11 Sep 2009

NEWS

DLA Piper files amicus brief with US Supreme Court in capital case

20 FEB 2018

DLA Piper filed on a pro bono basis an amicus brief to urge the United States Supreme Court to grant the petition for certiorari for Eric Branch.

DLA Piper represents SteadyMed in United States Court of Appeals for the Federal Circuit victory

17 NOV 2017

DLA Piper won a significant appellate victory this week in its representation of SteadyMed Ltd., a specialty pharmaceutical company, before the United States Court of Appeals for the Federal Circuit.
