



**Stan Panikowski**

**Partner**

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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 has served as President of the San Diego Chapter of the Federal Bar Association and a Lawyer Representative to the Ninth Circuit Court of Appeals.

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 named Intellectual Property Attorney of the Year by *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.

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

## 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

- *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.
- *United Therapeutics v. SteadyMed, Ltd.* (Fed. Cir. 2017) - Obtained affirmance of Patent Trial and Appeal Board decision invalidating all claims of patent for treatment of Pulmonary Arterial Hypertension
- *Technology Properties Limited v. Huawei, et al.*, (Fed. Cir. 2018) - Obtained affirmance of summary judgment of non-infringement in computer technology case on behalf of client Samsung and joint defendants.
- *Sophos Ltd. v. Iancu* (Fed. Cir. 2018) - Obtained reversal of Patent Trial and Appeal Board decision that had invalidated claims of client's anti-malware patent.
- *Xitronix v. KLA Corporation* (Fed. Cir. 2019) – Obtained affirmance of summary judgment in patent-related antitrust case and defeated two petitions for certiorari.
- *Green Mountain Glass v. St. Gobain* (Fed. Cir. 2019) – Represented glass bottle manufacturer in appeal and cross-appeal in patent infringement case.
- *Lawrence v. Medtronic* (9th Cir. 2020) - Obtained affirmance of ruling dismissing claims in medical device case based on federal preemption.
- *Personal Beasties Group v. NIKE, Inc.* (Fed. Cir. 2020) - Obtained affirmance of dismissal of patent infringement complaint based on patent-ineligible subject matter.
- *Dr. Seuss Enterprises v. ComicMix*, 983 F.3d 443 (9th Cir. 2020) – Obtained reversal of summary judgment of copyright fair use
- *Arbmetrics v. Dexcom* (Fed. Cir. 2020) – Obtained affirmance of summary judgment of no patent infringement
- *Fouad v. State of Qatar* (9th Cir. 2021) – Obtained affirmance of *forum non conveniens* dismissal and denial of motion to compel arbitration

## OTHER REPRESENTATIVE MATTERS

- Represented or representing clients in appeals involving patent, trademark, copyright, class action, False Claims Act, labor law, bankruptcy, and other issues
- Has had significant roles in over 100 appeals, including over 50 Federal Circuit appeals
- Obtained orders authorizing seizures of counterfeit and unauthorized merchandise on behalf of the NFL and NFL Properties LLC in connection with SuperBowl XXXVII in San Diego
- Represents a diverse roster of major companies in trial-level patent litigation in technology and life sciences in federal district courts and the International Trade Commission
- Represented veterans organizations *pro bono* as *amici* in proceedings before Federal Circuit and United States Supreme Court, including successful *amicus* brief in Federal Circuit's landmark *Procopio v. Wilkie en banc* decision
- Represents clients regularly at certiorari stage in United States Supreme Court

## CREDENTIALS

## Admissions

- California

## Recognitions

- *The Legal 500 United States*  
2019 - Recommended, Patent Litigation: Full Coverage

## 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
- 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

- Past Lawyer Representative to the Ninth Circuit Judicial Conference, Southern District of California
- Legal Aid Society of San Diego, Member and Past President of Board of Directors
- Federal Bar Association, Advisory Board Member and 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)
- Louis M. Welsh American Inn of Court, Alumnus
- Promises2Kids Foundation, Board 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

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## Publications

## Supreme Court Corner

September 2021

The Court chose to enhance the Director's power to review PTAB decisions directly.

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## Supreme Court Corner

June 2021

The issue at hand in *Unicolors v. H&M* turns on a question of inaccuracies in the copyright registration certificate.

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## Supreme Court Corner

30 March 2021

Numerous amici in *American Axle* urge the Supreme Court to take the case; update on *USPTO v. Booking.com*.

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## Supreme Court Corner

22 December 2020

A quick look at two cases.

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## Supreme Court Corner

30 September 2020

A quick look at two cases - *USPTO v. Booking.com* and *American Axle & Manufacturing v. Neapco Holdings*.

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## Supreme Court Corner: Q1 2017

30 MAR 2017

Key Supreme Court decisions in the copyright and patent areas.

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## Supreme Court Corner - Q4 2016

20 DEC 2016

Two patent cases, two copyright cases

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## 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?

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### **Supreme Court Corner: Q1 2016**

29 MAR 2016

Two cases to watch.

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### **Supreme Court Corner: Q4 2015**

2 DEC 2015

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

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### **Supreme Court Corner: Q2 2015**

9 JUN 2015

Recent decisions and cases to watch

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### **Supreme Court Corner - Q1 2015**

24 MAR 2015

Recent decisions and cases to watch

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### **Supreme Court Corner - Q3 2014**

10 SEP 2014

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

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### **Supreme Court Corner - Q2 2014**

26 JUN 2014

Key IPT cases before the United States Supreme Court

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### **Supreme Court Corner Q1 2014**

26 MAR 2014

A review of cases relevant to intellectual property and technology.

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## Supreme Court Corner: Q4 2013

5 DEC 2013

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## Supreme Court corner - Q3 2013

4 SEP 2013

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## Supreme Court Corner: Q2 2013

4 JUN 2013

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## Supreme Court Corner: Q1 2013

7 MAR 2013

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## 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?

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## Supreme Court issues *Bilski* decision

6 Oct 2010

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## Supreme strategies in IP cases

3 Dec 2009

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## Will less control over licensing mean more litigation?

11 Sep 2009

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## [Events](#)

## [Previous](#)

## Global SEP licensing and litigation: A fresh look at strategies to manage risk

## NEWS

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### **BTI Consulting Group recognizes 18 DLA Piper lawyers for providing superior client service**

10 February 2022

DLA Piper is pleased to announce that BTI Consulting Group has recognized 18 of its lawyers for providing superior service to clients in the BTI Client Service All-Stars 2022 report.

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### **DLA Piper represents Dr. Seuss Enterprises in precedential Ninth Circuit copyright appeal**

4 January 2021

DLA Piper represented Dr. Seuss Enterprises, L.P. (DSE), the owner of rights to the books and characters of Theodore Geisel (better known as Dr. Seuss), in a successful copyright appeal before the Ninth Circuit Court of Appeals.

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## MEDIA MENTIONS

- Mentioned, "Tech Giants Urge Justices To End IP Damages 'Loophole'," *Law360*, February 13, 2020