



COURTLAND L. REICHMAN

Managing Partner | Silicon Valley

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EDUCATION

J.D., with honors,
Emory University (1995)

B.A., with honors,
Swarthmore College (1990)

CLERKSHIP

The Honorable
R. Lanier Anderson
U.S. Court of Appeals
for the 11th Circuit

COURT ADMISSIONS

California

Georgia

U.S. Supreme Court

9th Circuit

11th Circuit

4th Circuit

Northern District of California

Northern District of Georgia

District Courts
throughout the country

Courtland is a broadly-gauged trial lawyer with over 25 years of experience in high-exposure intellectual property and commercial litigation. He has been recognized by *Benchmark Litigation* as one of the top 100 trial lawyers in the U.S., and the top 20 in California. Courtland is known for delivering results through comprehensive case strategy, boiling down even the most complex cases into understandable themes, and communicating simply and effectively with judges and juries.

Courtland's intellectual property practice focuses on patent, false advertising, copyright and trademark litigation. His complex commercial practice includes issues of constitutional law, energy, antitrust, breach of contract, trade secrets, franchise/distribution, and unfair competition.

Courtland's appellate practice comprises more than 30 federal appellate arguments, including arguments before the U.S. Supreme Court and the Federal Circuit. He was recognized by *The National Law Journal* as one of the top 40 under 40 lawyers in the U.S. and by *Chambers USA* as a leading intellectual property lawyer.

Courtland graduated, with honors, from Swarthmore College, with a degree in economics, after which he worked as an associate economist at the RAND Corporation, publishing a number of articles and a book involving labor economics. He later graduated Order of the Coif from Emory University School of Law, where he was managing editor of the *Emory Law Journal*. Courtland served as a law clerk to the Honorable R. Lanier Anderson III on the Eleventh Circuit Court of Appeals.

Prior to founding Reichman Jorgensen Lehman & Feldberg LLP, Courtland served as Managing Principal of McKool Smith's Silicon Valley office and as Global Chair of King & Spalding's 150-lawyer Intellectual Property Group and as Managing Partner of the firm's San Francisco and Silicon Valley offices.

Intellectual Property Trial Practice

Courtland has represented clients in over 100 patent cases. The subject matter of these cases involved a wide variety of technologies, including electrical engineering, software, medical devices, computer science, semiconductors, mechanical engineering, optics, digital television, life sciences, chemistry, health supplements, design patents, fluid dynamics, and polyurethane bags. He has litigated patent cases in federal courts across the country, and before the International Trade Commission (ITC), where his representation includes one of the largest-ever ITC patent infringement actions.

Courtland also has a leading practice in trademark and false advertising litigation, having represented companies owning the world's most valuable trademarks. He has extensive experience litigating false advertising cases related to a wide variety of industries, such as pharmaceuticals, chemical engineering, consumer products, media, electronics, health, fitness, food, and beverages. Courtland has successfully handled dozens of temporary restraining order and preliminary injunction hearings.

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Commercial Trial Practice

Courtland has similarly extensive expertise in complex commercial litigation. He has represented plaintiffs and defendants in a wide variety of high-exposure cases, including trade secrets, antitrust, constitutional law, energy disputes, franchise and distribution, whistleblower actions, breach of restrictive covenants, unfair competition, breach of contract, licensing, automotive dealer laws, and partnership disputes. Courtland's clients praise his ability to quickly master complex facts and laws with an eye toward effective communication with juries.

Behind The Trial Podcast

Courtland is host of a popular podcast called "Behind The Trial." The episodes feature Courtland's interviews with the most celebrated trial lawyers in the U.S. about the art of persuasion. The podcast goes behind the scenes for intimate, in-depth discussions about persuasion techniques that are passed on by oral tradition. It strives to capture the unique voice and style of each trial star by covering their best practices for presenting to judges and juries, pitfalls to avoid, and their secrets for convincing juries. It also examines the role of juries and trial lawyers in society. The podcast is available on most platforms, such as iTunes, SoundCloud, Stitcher, and GooglePlay.

Behind the Trial won *The National Law Journal's* 2018 "Go-To Thought Leader" award. The recipients were selected by *The National Law Review's* editors from a pool of over 100,000 legal news and analysis articles.

Representative Matters

Courtland has represented such clients as Arconic, Alcoa, Sempra Energy, Densify, Ericsson, The Coca-Cola Company, 3M, Gulfstream, Kemira, Meril, The Home Depot, Wendy's, The Atlanta Falcons, Waffle House franchisees, Les Mills International (BodyPump®), and the city of Atlanta, as well as leading U.S. and Japanese motor vehicle manufacturers. He also regularly represents innovators and early-stage companies.

The following is a representative sample of his cases:

- Lead counsel for Alcoa Inc. in multiple disputes involving energy generation facilities. Courtland tried a several hundred million-dollar case for Alcoa against the state of North Carolina involving ownership of four hydroelectric dams on the Yadkin River before a North Carolina federal court. The State alleged that it owned these dams under a constitutional navigability doctrine. Alcoa prevailed at trial and the State's allegations of ownership were extinguished. Courtland also represented Alcoa in an energy dispute with Luminant involving a claimed breach of a several hundred million dollar energy services agreement. The case was successfully resolved. Courtland also represented Alcoa in a dispute over an energy services agreement against Gregory Powers Partners and involving the bankruptcy of Sherwin Alumina, which was resolved with his team winning *The M&A Advisor's* "Turnaround Award" for its role in the case. Courtland also represents Alcoa in proceedings in Dallas County, Texas court involving obligations relating to the retiring of energy generation facilities.
- Lead counsel for Arconic Inc. (f/k/a Alcoa) in multi-hundred million dollar trade secret dispute with strategic rival Universal Alloy Corporation. The case is pending in the Northern District of Atlanta, and involves allegations that the defendant stole trade secrets used for the manufacture of critical aircraft wing components in order to divert over \$200 million in sales previously made by Arconic. The representation includes defense of antitrust counterclaims. Courtland also represented Arconic in a patent infringement case in the Southern District of New York.
- Lead counsel for Arconic in multi-hundred million dollar trade secret and antitrust case pending in the Western District of Pennsylvania. The case involves claims that Novelis intentionally published Arconic's trade secrets in a pretreatment process, used for aluminum alloys used in Ford's popular F-150 pickup truck, in order to avoid royalty obligations. Novelis has asserted counterclaims alleging breach of contract and violation of federal antitrust laws.
- Lead counsel for Densify in multiple patent cases against global giant, VMware, involving server virtualization technology and cloud computing. Obtained a \$236 million verdict and finding of willful infringement against VMware after a two week trial in the District of Delaware. Also lead counsel for Densify in patent cases against rival Turbonomic in the District of Delaware and the Southern District of New York.

- Lead counsel for Droplets in two patent cases pending in the Northern District of California, one against Yahoo! and another against Nordstrom. Cases involve technology for improving the functioning of websites by increasing speed and improving functionality. Claims involve hundreds of millions in damages and are scheduled for trial in 2022.
- Lead counsel for Kove in multi-hundred million dollar patent case against Amazon in the Northern District of Illinois. Case involves technology for hyper-scalability of cloud storage using, among other things, distributed hash table storage.
- Lead counsel for the California Restaurant Association (“CRA”) in its claims against the City of Berkeley under the federal Energy Policy and Conservation Act (“EPCA”), the state Energy Code, and the state Building Code. Berkeley recently passed a first-of-its kind ordinance banning natural gas in new construction. The CRA seeks an injunction barring enforcement of the ordinance as preempted under EPCA and the state codes. This is a novel test case about whether a city can bypass EPCA’s requirements by claiming gas infrastructure is subject to local, as opposed to federal and state, regulation.
- Represented San Diego Gas and Electric in a contract dispute involving a \$300 million-dollar wind farm in Montana and compliance with federal laws relating to preservation of wildlife habitat. The case involved complex energy and investment contracts, and centered on the question of whether the wind farm required eagle take permits from the U.S. Fish & Wildlife Service. The case involved parallel actions before Montana and California state courts, as well as appeals to the New York appeals court regarding common interest doctrine privilege issues.
- Lead counsel for FleetCor, a global provider of specialized payment products and services including fleet cards, food cards, corporate lodging cards, and other specialized payment services for businesses. Case involved contract claims related to wind down of a significant client. Defeated motion for temporary restraining order in Texas state court, then began arbitration trial, during which the case was successfully resolved.
- Lead counsel for Immersion Corp. in patent litigation against Fitbit involving haptics technology; lead global counsel involving actions in China and the U.S. The cases involved the use of tactile feedback in electronic devices, an area Immersion pioneered. The cases were litigated in the Northern District of California and in Shanghai, China.
- Lead counsel for Ericsson in an Eastern District of Texas patent case involving telecommunications patents, as well as representation of Ericsson in a related case in the Northern District of California and in relation to parallel International Trade Commission proceedings. The seven-patent case centered on complex technology such as transceiver components, transceiver architecture, and transceiver echo cancellation.
- Lead counsel for Allure Energy in multiple patent cases involving smart thermostats. The first case, against Nest, involved claims relating to Nest’s use of Allure’s technology to build a popular smart thermostat platform that quickly captured market share. The case went to trial in the Eastern District of Texas, during which it was successfully resolved. Also lead counsel in a case against Honeywell relating to smart thermostat patents in Austin federal court.
- Represented The Coca-Cola Company for over a decade on a wide range of intellectual property matters, including patents, trademarks, false advertising, and copyrights. This includes representation of the Company as lead counsel in jury trial of patent claims involving design and function of a vending machine in Atlanta federal court. After a week-long trial and a hung jury, the Coca-Cola Company prevailed on post-trial motions to dismiss. After Courtland argued the Federal Circuit appeal, the case was affirmed. Also served as lead counsel in patent litigation against Pepsi-Cola Company involving bag-in-box technology. Finally, Courtland represented the Company in a \$100 million misappropriation of ideas, trade secrets, and fraud case. Obtained summary judgment on all counts, which was affirmed on appeal. In addition to these cases, Courtland handled over a dozen other cases involving intellectual property, trade secrets, and contract claims.
- Lead counsel for Wilsonart in defending against parallel patent cases before the International Trade Commission and the District of Minnesota. Involved novel patent theories related to engineered quartz technology. On the eve of trial, obtained a dismissal of all claims. Also represent Wilsonart in patent cases pending in Western District of Washington and Middle District of Florida.
- Lead counsel for International Tool Works in defending a patent infringement case involving aerosol adhesives in a canister-based system. The case was dismissed.

- Lead counsel to physician in arbitration of medical partnership dispute. Claims involved expulsion from a partnership and termination of the partnership agreement on allegations that the physician was providing incompetent care. Courtland prevailed in a lengthy arbitration trial resulting in a substantial verdict.
- Lead trial counsel for Merial in numerous false advertising and unfair competition cases/litigation for over 15 years. Merial is a leading global animal healthcare company owned by Boehringer Ingelheim. These engagements include, among others, cases against Wyeth, Bayer Healthcare, Zoetis, and Eli Lilly, and litigation involving Merial's billion-dollar Frontline Plus® treatments for dogs and cats. Cases litigated in district court, before the NAD, and in connection with the Federal Trade Commission. The cases involve multiple TRO, preliminary injunction, and bench trials.
- Lead counsel for Rockwood Industries and Viance in false advertising and unfair competition litigation involving "greenwashing" claims. Argued appeal before the Eleventh Circuit on cutting-edge Lanham Act claims.
- Lead counsel for GMAC companies in false advertising and unfair competition litigation before the Middle District of Georgia. Obtained summary judgment on all counts and full dismissal of claims.
- Lead counsel for Les Mills International (whose popular programs include BodyPump®) in several cases and arbitrations over fifteen years in courts across the country. Cases involved trademark, false advertising, unfair competition, and contract claims, and successful motions for temporary restraining order and preliminary injunction. Also served as lead counsel for Les Mills in counterfeiting case in the North Carolina federal court.
- Lead counsel to 3M Company in a variety of patent cases, including litigation involving projection technology, medical devices, and optics. Courtland also served as lead counsel in multiple trademark, false advertising, and unfair competition cases and claims relating to "greenwashing" before the National Advertising Division of the Better Business Bureau.
- Represented a wide variety of companies in patent matters across the country on diverse technology, including:
 - Kemira relating to paper processing technology and complex chemistry in Atlanta federal court.
 - Good Technologies in the Northern District of California.
 - Rambus in various matters.
 - Rovi/Tivo in various matters.
 - General Motors and OnStar in the District of Delaware.
 - Gulfstream in the District of Delaware.
 - Scientific-Atlanta in multidistrict patent litigation involving dozens of patents on digital set top boxes.
 - Graywire in Atlanta federal court involving optics technology.
 - And many others such as General Dynamics, Chattem, Hilex Poly, and manufacturers of drug-eluting stents.
- Represented dozens of companies in trademark, false advertising, franchise/distribution and other commercial cases in venues throughout the U.S., including:
 - Fortune 100 transportation company in numerous trademark and false advertising matters.
 - Well-known law firm in state and federal court in connection with claims of false advertising in television commercials.
 - Wendy's in copyright and trademark case.
 - Japanese motor vehicle manufacturer in multiple state dealer protest actions.
 - Japanese motor vehicle manufacturer in multidistrict litigation involving its dealership network.
 - U.S. and Austrian heavy equipment manufacturer in multiple cases involving breach of contract, trademark, false advertising claims and unfair competition.
 - JCB in multiple dealer termination cases.
 - Red Lion franchisees in franchise litigation.

- Largest Waffle House franchisee in franchise and trademark litigation against franchisor.
- Lead counsel in dozens of cases against state and federal authorities arising out of civil rights abuses, including historic judgments relating to prison abuse.
- Lead counsel for Robert Johnson Jr. in arguments before the U.S. Supreme Court involving habeas corpus statute of limitations.
- Lead counsel for the City of Atlanta in connection with its aggressive panhandling ordinance, including defending against constitutional challenges.

Rankings & Honors

- Named top 100 trial lawyers in the U.S. and top 20 trial lawyers in California by *Benchmark Litigation*
- Recognized as Top 40 Under 40 lawyers in the U.S. by *The National Law Journal* earlier in his career
- Ranked in *Chambers USA* as a leading intellectual property lawyer
- Recognized as leading lawyer by *The Legal 500* and for "applying legal tools to resolve commercial issues" and for "analyzing issues from a broad perspective and developing pragmatic strategies"
- Inaugural Distinguished Young Alumnus Award by Emory University School of Law
- Recognized as "Litigator of the Week" in 2021 by *The American Lawyer*
- Recognized as an Elite Boutique Trailblazer by the *National Law Journal*
- Anti-Defamation League's (ADL) Young Lawyers Award for commitment to securing justice and fair treatment for all people
- Recognized as "Legal Lion" by *Law360*
- Named Attorney of the Year in San Jose Metro Area (Silicon Valley) by *Best Lawyers Magazine*
- Named "Best Attorneys" in California by *Peer Recognition*
- Named "IP Star" by *Managing IP*
- Ranked in Best Lawyers in America for Intellectual Property Litigation
- Recommended for the second consecutive year as a leading U.S. patent litigator by *Legal 500*: "gives sound pragmatic advice"
- "Legal Elite" by *Georgia Trend Magazine*
- One of 10 Georgia lawyers predicted to make a mark on the profession by the *Fulton County Daily Report*
- Super Lawyer by *Georgia SuperLawyers* magazine
- "Rising Star" by *Georgia SuperLawyers* magazine, including profile of practice
- Awarded 2019 and 2020 Silicon Valley Attorney of the Year by *Benchmark Litigation* – Profile of practice found [here](#).

Community & Professional Activities

Courtland devotes a substantial portion of his practice to public interest matters. He has represented clients in pro bono litigation involving civil rights, indigent defense, and special appeals. Courtland founded the Indigent Defense Project, through which lawyers represented impoverished felony defendants in rural counties. He has handled numerous successful civil rights lawsuits addressing mistreatment in jails and prisons, including the beating death of a young inmate in South Georgia.

Courtland's pro bono efforts include representing the Mayor's Commission on Homelessness. He also represented the city of Atlanta in connection with its panhandling ordinance. In 2001, Courtland received the Anti-Defamation League's (ADL) Young Lawyers Award for his commitment to securing justice and fair treatment for all people. Courtland's pro bono work has been profiled by major media outlets, including CNN, and several newspapers and magazines. He was previously awarded Emory

University School of Law's first Distinguished Young Alumnus Award.

Courtland serves on the Board of Silicon Valley Campaign for Legal Services. He previously served on the Bench & Bar Conference Planning Committee for the Federal Circuit Bar Association, on the Eleventh Circuit advisory committee in connection with its annual conference, and as chair of the Veteran's Committee for the Federal Circuit Bar Association. He served as president of the Board of Directors of the Living Room (a nonprofit providing housing support and services for the HIV positive homeless population), on the Board of Directors of the Southern Center for Human Rights, and as an elder at Morningside Presbyterian Church.

Publications

- "China Is A Player: Trends In Patent Litigation In China," *American Law Media* (2018).
- "Samsung v. Apple: Impacts Beyond Damages," *IPLaw360* (December 11, 2016).
- "Best Practices for Enforcing United States Trademark Rights," *The Corporate Lawyer*, Illinois State Bar Association (July 2009).
- "Trademark Enforcement in the United States," *World Trademark Review* (June/July 2009).
- "The ITC or District Court: Where to Protect Your International Intellectual Property," monograph, National Legal Center for the Public Interest (2006).
- "The Reality of Virtual Advertising: Legal Issues Abound as Technology Advances," *Metropolitan Corporate Counsel* (February 2006).
- "Franchising and Distribution Currents," *Franchise Law Journal* (Spring 2005).
- "Use and Abuse of Rule 30(b)(6) Depositions," *Complex Civil Procedures ICLE in Georgia* (2005).
- "Seeking Favorable Law, Franchisors Add Increasingly Complex Provisions," *National Law Journal* (2004).
- "Intellectual Property Enforcement in a Franchised System," *Franchising and Distribution Disputes ICLE in Georgia* (2004).
- "Franchising and Distribution Currents," *Franchise Law Journal* (Summer 2004).
- "The Supreme Court Dilutes the Federal Dilution Statute," *Franchise Law Journal* (Summer 2003).
- "False Advertising Under the Lanham Act," *Franchise Law Journal* (Spring 2002).
- "Intellectual Property Enforcement," *Franchise and Distribution Disputes ICLE in Georgia* (2002).
- "Franchising and Distribution Disputes: State Statutory Law and Industry Specific Statutes," *Franchise and Distribution Disputes ICLE in Georgia* (2001).
- "Understanding the Value of Integration Clauses," *Franchise Law Journal* (Spring 1999).
- "Opposition Proceedings Are Alternative to Court: Actions In Foreign Patent Offices Allow For Cheaper and Faster Resolution of Validity Issues," *National Law Journal* (1998).
- "State and Federal Trademark Dilution," *Franchise Law Journal* (Spring 1998).
- "Franchising and Distribution Disputes: State Statutory Law and Industry Specific Statutes," *Franchise and Distribution Disputes ICLE in Georgia* (1997).
- "State and Federal Remedies for Abortion Protest: Discordance of First Principles," *Emory Law Journal* (Spring 1995).
- In addition, Courtland served as editor of the *Franchise Law Journal* and chaired seminars on trial practice, complex civil procedure, patent litigation, Hatch-Waxman litigation, false advertising, greenwashing, and franchising and distribution litigation.

Speaking Engagements

- Speaker, "Trade Secrets Year in Review," 57th Annual Conference on Intellectual Property Law (2019).
- Panelist, Northern District of California Patent Practice Symposium on Patent Trials (2018).
- Speaker, "Intellectual Property Protection in the U.S.," Seminars sponsored by the Beijing IP Office and Nanjing University, Beijing and Nanjing, China (2017).
- Speaker, "A Midsummer's Night Dialogue" in Beijing, China, the first event held at the Notre Dame Beijing Global Gateway regarding U.S. patent law (2017).
- Speaker, "The First U.S.-China Intellectual Property Forum: Patent Litigation and Commercialization" in Nanjing, China, sponsored by Nanjing University regarding U.S. Supreme Court intellectual property cases (2017).
- Speaker, "University Patent Litigation," McKool Smith Webcast (2017).
- Speaker, "Trade Secret Litigation," Managing IP U.S. Patent Forum, Washington, D.C. (2016).
- Speaker, "IP litigation: the new business of litigation finance," 2015 IP Finance Conference; New York, NY (2015).
- Speaker, "Enforcement & Monetization" IP Monetization Summit; Silicon Valley, CA (2015)
- Panelist, "Litigation & Monetization – Striking the Right Balance?"; The Monetization Summit; Palo Alto, CA (2014).
- Speaker, "A Primer on Modern Patent Law," The National Law Journal's Silicon Valley Intellectual Property Litigation Forum; Palo Alto, CA (2013).
- Chair and speaker, LexisNexis Corporate Intellectual Property Conference in Guangzhou, China (2012).
- Speaker, National Law Journal's IP Litigation Event; Palo Alto, CA (2012).
- Speaker, "Sidestepping the Litigious Consumer: Preparing for the Explosion of Class Action Lawsuits," ACI Third Annual Conference on Litigating & Resolving Advertising Disputes, New York, NY (2012)
- Speaker, American Conference Institute's Litigating and Resolving Advertising Disputes Conference; New York, NY New York, NY (2012)