
ATTORNEYS of the YEAR

~~~~~ 2015 ~~~~~



*Intellectual Property*



**ROGER L. COOK**

*Kilpatrick Townsend  
San Francisco*

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**C**ook, representing Sidense Corp. in an infringement suit, helped make it easier for defendants to obtain attorneys fees in patent litigation. In December 2013, the Federal Circuit ruled in *Kilopass Technology Inc. v. Sidense* that district courts must consider “whether the totality of the circumstances” demonstrates that a plaintiff acted in bad faith. The court cited the failure to conduct an adequate pre-suit investigation, among other factors. The U.S. Supreme Court cited *Kilopass* last year in its *Octane Fitness LLC v. Icon Health & Fitness Inc.* opinion, holding that district courts may determine whether a case is exceptional and thus merits an award of attorneys fees. In August, District Judge Susan Illston, citing *Octane*, reversed her earlier decision denying Sidense attorneys fees.

**ADDITIONAL CALIFORNIA LAWYERS:** Sara B. Giardina and Barmak S. Sani of Kilpatrick Townsend.

**STATUS:** The amount of the fee award has not yet been set.

