

Benjamin M. Kleinman

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Services

Intellectual Property
Litigation
Patent Litigation
Patents
Trade Secrets

Industries

Electronics & Computer
Technology
Financial Services
Fintech
Technology



Mr. Kleinman is a registered patent attorney who focuses his practice on patent litigation and also has experience with trademark, copyright, and trade secret litigation and counseling. He has particular expertise with internet technologies and computer software, including open source, and the financial markets.

Prior to joining the firm, Mr. Kleinman worked as an associate in the Palo Alto and San Francisco offices of other law firms. While attending New York University School of Law, Mr. Kleinman participated in the Civil Rights Litigation Clinic and Mediation Clinic, was a managing editor of the law school newspaper, and taught in NYU's High School Law Institute. Before law school, he had a career in business and technology, working as a developer, a business analyst, and then a product-line manager at Reuters (now Thomson Reuters).

Mr. Kleinman earned his J.D. from New York University School of Law. He earned his B.S. in Computer Science and Mathematics, *summa cum laude*, from Tulane University and studied theoretical computer science as a Marshall Scholar at the University of Edinburgh, Scotland.

Mr. Kleinman has authored and been a contributing author to several articles on privacy, antitrust, trademarks, and patent damages, and was a contributing author to the ABA Annual Review of Intellectual Property Law Developments from 2008 until the Review's discontinuation after 2011.

Experience

Lead mass action asserting civil rights claims on behalf of group of homeless individuals *pro bono* against municipality to halt illegal eviction. Successfully resolved with resettlement payments to individual plaintiffs. (N.D. Cal.)



Served as counsel for AirWatch, a leader in mobile device management, in defense of claims of infringement related to accessing, manipulating, monitoring, protecting and synchronizing data and software over a network across multiple devices.

Represented defendant Adobe in a patent infringement case involving distributed storage systems. Case settled shortly after Adobe successfully moved to disqualify opposing counsel from representing plaintiff. *Parallel Iron, LLC v. Adobe Systems Incorporated*, No. 1:12-cv-00874 (D. Del. filed July 12, 2012).

We defended Motorola against Fujifilm's assertion of five patents relating to digital cameras and the transmission of files through a cell phone. After summary judgment and a two week jury trial in San Francisco, Motorola prevailed on four of the five patents (proving two of the patents invalid and not infringed, one patent not infringed, and one patent invalid), and excluded willful infringement or injunctive relief. Through ex parte reexamination proceedings, Kilpatrick Townsend invalidated the fifth patent. *Fujifilm Corporation v. Motorola Mobility LLC*, No. 3:12-cv-3587 (N.D. Cal. filed July 10, 2012).

Thought, Inc. v. Oracle Corporation. Successfully defended patent infringement case in the Northern District of California for client Oracle against Thought, Inc. involving seven patents for object-to-relational mapping technology. Over a three-year period, we defeated a claim for \$130 million dollars in damages by (1) invalidating three patents in IPR proceedings; (2) obtaining voluntary dismissals of three more patents; and (3) obtaining summary judgment of non-infringement of the final patent. Case upheld on appeal before the Federal Circuit.

Education

New York University School of Law, J.D. (2008) *Review of Law & Social Change*, Articles Selection Editor

Tulane University, B.S., Computer Science and Mathematics (1996) *summa cum laude*

Admissions

California (2008)

Court Admissions

U.S. Patent and Trademark Office (2010)

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. Court of Appeals for the Federal Circuit



Professional & Community Activities

American Bar Association, Intellectual Property Law, Open Source and Software Licensing Subcommittee

San Francisco Association of Business Trial Lawyers, Member

Law Students for Reproductive Justice, Alumni Network Committee

Insights

Alerts

Federal Circuit Clarifies AIA On-Sale Bar

May 2, 2017

News Releases

Kilpatrick Townsend Named San Francisco Bar Association's Justice & Diversity Center's 2016 Outstanding Law Firm in Public Service

April 3, 2017

In The News

Kilpatrick Townsend's Media Report June 10-16, 2016

June 17, 2016

In The News

Kilpatrick Townsend's Media Report September 4-10, 2015

September 11, 2015

In The News

Kilpatrick Townsend's Media Report April 23-30, 2015

May 1, 2015