

## David E. Sipiora

### Partner

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#### Services

Intellectual Property  
ITC Section 337  
Patent Litigation  
Patents  
Post-Grant Proceedings  
Trade Secrets

#### Industries

Apparel, Accessories & Luxury  
Goods  
Chemicals  
Consumer Goods  
Electronics & Computer  
Technology  
Financial Institutions  
Financial Services  
Food, Restaurant & Beverage  
Health & Life Sciences  
Media & Entertainment  
Medical & Surgical Devices  
Retail & Consumer Goods  
Technology



David Sipiora focuses his practice on patent litigation and licensing, trademark, copyright, and trade secrets litigation and counselling. Mr. Sipiora repeatedly has been selected as one of Colorado's top intellectual property lawyers by *Chambers USA* and sources describe him as "incredibly results-oriented." He advises clients on intellectual property matters in the context of transactional, employment, licensing and pre-litigation law. Mr. Sipiora helps clients protect their businesses through strategic intellectual property portfolio management and development. He has served as lead counsel in hundreds of patent and trademark litigations in courts across the United States, including all of the major patent venues – E.D. Texas, N.D. Cal., D. Del., C.D. Cal., and S.D.N.Y.

Mr. Sipiora has litigated in many and varied areas of technology, including electronics and telecommunications, with particular experience in microprocessors, computer memory, databases, networks, wireless communications and satellite technologies. He advises trademark clients in numerous industries, including electronics, biotech, consumer products, food and beverage, building and construction, and computer software.



Mr. Sipiora has been a member of the Bar of the State of California since 1986. He served as a law clerk for two years in the U.S. District Court for the Northern District of California and gained extensive experience in the handling of patent cases. From 1991 to 1994, Mr. Sipiora served as an Assistant U.S. Attorney for the Southern District of New York and tried approximately a dozen cases. Cumulatively, Mr. Sipiora has first-chaired more than thirty trials and injunction hearings and has argued more than a dozen cases in the U.S. Courts of Appeal, the majority of which have been in the Federal Circuit. Most recently, in April 2016, Mr. Sipiora successfully argued before the U.S. Court of Appeals for the Federal Circuit in defense of a summary judgment ruling in the Northern District of California which involved a claim for damages in excess of \$100 million.

Mr. Sipiora is listed in the 2019 and the eight years immediately preceding editions of *Chambers USA* for intellectual property. He is one of only three lawyers rated by *Chambers USA* as "Tier One in IP" in Colorado. Mr. Sipiora has been recognized in *Super Lawyers* magazine as one of Colorado's "Super Lawyers" since 2008. He was recognized in *The Best Lawyers in America*<sup>®</sup> in 2012 for patent litigation, and again in 2019 and the six years immediately preceding for patent litigation and intellectual property law. Mr. Sipiora was named a "Denver Lawyer of the Year" in 2015 and 2018 for patent litigation, and again in 2017 for intellectual property litigation by *The Best Lawyers in America*<sup>®</sup>. He was recognized as a "Top Litigator" in 2016 by *Law Week Colorado*. Mr. Sipiora was also named the 2014 "Best Intellectual Property Litigator" and 2011 "Best Intellectual Property Lawyer" in Colorado in the *Barrister's Best Issue* of *Law Week Colorado*. He was recognized as an "IP Star" in 2019 and the six years immediately preceding by *Managing Intellectual Property* magazine. Mr. Sipiora was named a top patent practitioner in 2019 and the six years immediately preceding by *IAM Patent 1000 – The World's Leading Patent Practitioners*. He was named by Legal Media Group to its 2013 *Guide to the World's Leading Patent Practitioners*. Mr. Sipiora was selected as "People's Choice in 2013" by *Law Week Colorado* for "Best Intellectual Property Litigator" in Colorado.

## Experience

Represented defendant in jury trial in resulting in a verdict of only \$1.5M despite a claim for over \$30M in damages.

*Halo Mfg. v. Pulse Engineering*, No. 07-cv-00331 (D. Nev. filed March 15, 2007).

Represented LSI Corporation, a global semiconductor technology company, in a patent infringement action. Case settled. *Freescale Semiconductor, Inc. v. LSI Corp.*, No. 08-0314 (E.D. Tex. dismissed Oct. 29, 2008).

The firm served as lead counsel for Sofa Mart, LLC in the Western District of Wisconsin defending against claims of copyright infringement from American Century Home Fabrics, Inc. The claims involved use of an allegedly copyrighted fabric design in the fabric used to upholster furniture sold by Sofa Mart. The matter

currently is pending.

Defending Broadcom and its six downstream customers Technicolor, HTC, Comcast, Arista, NETGEAR, and ARRIS in patent infringement and importation investigation brought against them by Tessera Technologies, related to semiconductor chip packaging technology. Trial set for March 2017 before Administrative Law Judge Dee Sandra Lord, with related actions in D. Delaware and Europe.

In re Certain Semiconductor Devices, U.S. ITC Investigation No. 337-TA-1010

Represented Agere Systems Inc. and LSI in a patent infringement and contractual dispute related to semiconductor processing, circuit design, modem and wireless technology. Settled after jury trial resulting in invalidation of three of plaintiffs four standard essential patents. *CIF Licensing LLC v. Agere Sys. Inc.*, No. 07-0170 (D.Del. filed Mar. 23, 2007).

Represented The Western Union Company, a global provider of payment services, as a defendant in a patent infringement lawsuit involving data encryption technology. Case settled. *TQP Dev., LLC v. Bank of N.Y. Mellon Corp.*, No. 2-0085 (E.D. Tex. filed Mar. 10, 2010).

Represented defendant Spheris Inc., a medical transcription company, in a patent infringement action related to software for medical transcription. Case settled favorably.

*Anthurium Solutions, Inc. v. MedQuist, Inc.*, No. 2:07-cv-00484-CE (E.D. Tex. filed Nov. 6, 2007).

Represented Proxim Wireless Corporation, a provider of broadband wireless systems, in a patent infringement action involving wireless data communications. Case settled.

*Linex Techs., Inc. v. Belair Networks Inc.*, No. 07-0223 (E.D. Tex. dismissed Feb. 3, 2009).

The firm represented complainants LSI Corporation and Agere Systems LLC in this investigation involving video decoder and wireless local area network patents. Following the evidentiary hearing, the ALJ determined that an exclusion order was appropriate.

*In re Certain Audiovisual Components and Products Containing the Same*, ITC Inv. No. 337-TA-837. (ITC investigation commenced 2011).

Successfully represented respondents LSI Corp. and Seagate Technologies in defense of a patent infringement



action involving external memory controllers and serializer/deserializer interfaces used in integrated circuits.

*In re Certain Semiconductor Chips and Products Containing Same*, ITC Inv. No. 337-TA-753.

Represented Wal-Mart, Starbucks, and Sam's Club in a patent infringement action involving patents related to gift card technology. After holding a combined partial claim construction/summary judgment hearing, the Court found the claim at issue in the case invalid, mooting the non-infringement issues. Default Proof appealed to the Federal Circuit, which upheld the district court's judgment of invalidity.

*Default Proof v. Home Depot U.S.A., Inc. et al.*, No. 1:03-cv-20094-CMA (S.D. Fla. 2003), aff'd, 412 F.3d 1291 (Fed. Cir. 2005).

Obtained summary judgment of non-infringement on behalf of defendants Starbucks, Seattle's Best Coffee, Circuit City, Williams-Sonoma, and Pottery Barn in a patent dispute regarding stored value card transactions. Judgment affirmed by the Federal Circuit on appeal.

*Realsource, Inc. v. Best Buy, et al.*, No. 1-771 (W.D. Tex filed Dec. 2, 2004).

Represented Western Union Financial Services, Inc., a provider of global payment services, as a defendant in a patent infringement lawsuit involving methods for electronic payment processing. Case settled. *Actus, LLC v. Bank of Am. Corp.*, No. 09-0102 (E.D. Tex. filed Apr. 9, 2009).

Represent defendant manufacturer and seller of optical lenses against claims of patent infringement. Obtained summary judgment on the vast majority of the plaintiffs claims, and the case currently is on appeal.

*Largan Precision Co. v. Genius Electronic Optical Co.*, 13-cv-02502 (N.D. Cal. filed June 4, 2013).

Obtained favorable settlement for the plaintiff in a patent infringement litigation, resulting in defendant leaving the specific industry.

*Pulse Engineering, Inc. v. Mascon, Inc.*, No. 08-cv-0595 (S.D. Cal. filed Apr. 1, 2008).

Represented Agere Systems Inc., a semiconductor manufacturer, in a patent infringement action related to licensing for semiconductor technology. Case settled favorably.

*Agere Sys. Inc. v. Samsung Elecs. Co., Ltd*, No. 06-0185 (E.D. Tex. filed May 2, 2006).

Represented Western Union in cross-patent infringement action in the U.S. District Court for the Western District of Texas involving patents for staging money transfers. Our litigation team succeeded in obtaining summary judgment of non-infringement of MoneyGram's patent, and then secured a jury verdict in favor of Western Union, finding that MoneyGram's FormFree system infringes Western Union's Money Transfer By Phone patents and awarding damages totaling \$16.53 million. The court further entered a permanent injunction against MoneyGram. The Federal Circuit later reversed the trial court on the basis of obviousness. *Western Union Co. v. Moneygram Int'l, Inc.*, No. 1-0372 (W.D. Tex. filed May 11, 2007).

### **Education**

Harvard Law School, J.D. (1986) *cum laude*

Columbia University, B.A. (1982) *summa cum laude*

### **Admissions**

Colorado (1998)

District of Columbia (1990)

New York (1990)

California (1986)

### **Court Admissions**

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of New York

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

U.S. District Court for the District of Colorado

U.S. District Court for the Central 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. District Court for the Eastern District of Texas

### **Professional & Community Activities**

American Intellectual Property Law Association

International Trademark Association

The Colorado Intellectual Property American Inn of Court

Institute for Life and Care, Board Member

### **Insights**

#### [News Releases](#)

Kilpatrick Townsend Receives High Rankings in 2019 IAM Patent 1000

July 11, 2019

#### [Perspectives](#)

Kilpatrick Townsend Wins Landmark Case for Broadcom

July 1, 2019

#### [In The News](#)

The Top Patent Cases Of 2019: Midyear Report

June 28, 2019

#### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2019 Managing Intellectual Property IP Stars

June 17, 2019

#### [News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

#### [News Releases](#)

Seven Kilpatrick Townsend Attorneys Named 2019 Colorado Super Lawyers

March 25, 2019

#### [In The News](#)



Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019  
August 20, 2018

#### [News Releases](#)

Kilpatrick Townsend Recognized in 2018 IAM Patent 1000  
July 2, 2018

#### [Alerts](#)

“Foreign Lost Profits” for Infringement of U.S. Patents  
June 22, 2018

#### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 Managing Intellectual Property IP Stars  
June 19, 2018

#### [News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018  
May 11, 2018

#### [News Releases](#)

Seven Kilpatrick Townsend Attorneys Named 2018 Colorado Super Lawyers  
March 27, 2018

#### [News Releases](#)

Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year  
August 16, 2017

#### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018  
August 15, 2017

#### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 Managing Intellectual Property IP Stars  
June 27, 2017



### [News Releases](#)

Kilpatrick Townsend Receives High Rankings in 2017 IAM Patent 1000

June 8, 2017

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

### [News Releases](#)

Five Kilpatrick Townsend Attorneys Named 2017 Colorado Super Lawyers

March 22, 2017

### [Events](#)

Intellectual Property Law Seminar 2016

October 25, 2016

### [Events](#)

ITC Investigations: A Practical Overview

October 25, 2016

### [News Releases](#)

Best Lawyers in America Names Kilpatrick Townsend Attorneys 2017 Lawyers of the Year

August 24, 2016

### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report July 1-14, 2016

July 15, 2016

### [News Releases](#)

Kilpatrick Townsend Attorneys Named to 2016 IAM Patent 1000

June 2, 2016





### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

### [News Releases](#)

Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars

May 26, 2016

### [Events](#)

Intellectual Property Law Seminar 2016 (Shanghai)

May 19, 2016

### [Events](#)

The Risk of Globalization: Entering the U.S. Market and Defending Against IP Claims

May 19, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report April 22-28, 2016

April 29, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report March 11-17, 2016

March 18, 2016

### [News Releases](#)

Three Kilpatrick Townsend Attorneys Named 2016 Colorado Super Lawyers

March 15, 2016

### [In The News](#)

Top Litigators 2016: David Sipiora

March 14, 2016



### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016  
August 19, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report July 23-30, 2015  
July 31, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report July 10-16, 2015  
July 17, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 26 - July 9, 2015  
July 10, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 19-25, 2015  
June 26, 2015

### [News Releases](#)

Twenty-Two Kilpatrick Townsend Attorneys Named to 2015 IAM Patent 1000  
June 18, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015  
May 22, 2015

### [News Releases](#)

Twenty-Nine Kilpatrick Townsend Attorneys Named 2015 Managing Intellectual Property IP Stars  
May 6, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report April 17-23, 2015  
April 24, 2015



### [News Releases](#)

Six Kilpatrick Townsend Attorneys Named 2015 Colorado Super Lawyers

March 18, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report December 19, 2014 - January 8, 2015

January 9, 2015