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P A R T N E R

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Josh's practice focuses on intellectual property litigation and general business litigation for established and emerging technology and cannabis companies.

For a quarter century, Josh has represented technology companies in federal and state trial and appeals courts, before the International Trade Commission, and in private arbitration and mediation. His experience spans such disparate technologies as motion picture special effects, computer displays, online marketplaces and other online services, cannabis, semiconductor chip design, memory controllers, streaming online video, user interfaces, hyperlinks, computer networks, encryption, biometric and mobile device authentication, automotive pollution controls, and type fonts. His litigation track record spans the gamut of substantive intellectual property issues, including direct and indirect infringement, validity, eligibility, and remedies in patent, trademark, and copyright cases, as well as breach of contract litigation, especially in connection with licenses and other agreements related to intellectual property, and broader procedural considerations, such as pleading standards, venue and jurisdiction, evidentiary admissibility, and shifting of attorneys' fees and costs. He is also a skilled neutral who serves on the court-sponsored mediation and early neutral evaluation panels of the Northern and Eastern Districts of California.

Josh is a past president of the San Francisco Bay Area Intellectual Property American Inn of Court, the premier organization in Northern California dedicated to fostering skills, professionalism, collegiality, and ethics among the intellectual property bench and bar. He is a member of the American Intellectual Property Law Association and the ABA Section of Intellectual Property Law; he co-chairs both organizations' subcommittees on patent litigation policy, and is a member of their committees on patent, trademark, and copyright litigation and legislation. He writes and speaks regularly on intellectual property issues for legal and industry audiences. Between college and law school, Josh worked as a computer and networking consultant and graphic designer.

Josh is also an avid skier who currently serves as National Legal Advisor (outside general counsel) to the National Ski Patrol. In addition to various legal roles in the organization, he was an elected member of the Board of Directors from 2016 to 2019, and national treasurer from 2017 to 2019. He is also a dedicated amateur chef and baker.

R E P O R T E D O P I N I O N S :

- *Rearden LLC v. TWDC Enterprises 18 Corp.*, 722 F. Supp. 3d 1011 (N.D. Cal. 2024)
- *Realtime Data LLC v. Array Networks Inc.*, 556 F. Supp. 3d 424, 537 F. Supp. 3d 591 (D. Del. 2021)
- *Atari Interactive, Inc. v. Redbubble, Inc.*, 546 F. Supp. 3d 883, 515 F.Supp.3d 1089 (N.D. Cal. 2021)
- *YZ Productions, Inc. v. Redbubble, Inc.*, 545 F. Supp. 3d 756 (N.D. Cal. 2021)
- *Realtime Data LLC v. Array Networks Inc.*, 545 F. Supp. 3d 756 (D. Del. 2021)
- *Ohio State University v. Redbubble, Inc.*, 989 F.3d 435 (6th Cir. 2021)
- *LTTB, LLC v. Redbubble, Inc.*, 385 F.Supp.3d 916 (N.D. Cal. 2019)
- *Digitech Image Techs., LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014)

- *In re Acer America Corp.*, 626 F.3d 1252 (Fed. Cir. 2010)
- *MedioStream, Inc. v. Microsoft Corp.*, 749 F. Supp. 2d 507 (E.D. Tex. 2010)
- *Intel Corp. v. Negotiated Data Solutions LLC*, 699 F. Supp. 2d 871 (E.D. Tex. 2010)
- *Board of Regents v. BenQ America Corp.*, 533 F.3d 1362 (Fed. Cir. 2008)
- *IpVenture, Inc. v. Prostar Computer, Inc.*, 503 F.3d 1324 (Fed. Cir. 2007)
- *Agfa Monotype Corp. v. Adobe Systems, Inc.*, 404 F. Supp. 2d 1030 (N.D. Ill. 2005)
- *Chan v. Intuit, Inc.,* 218 F.R.D. 659 (N.D. Cal. 2003)
- *Altiris, Inc. v. Symantec Corp.*, 160 F. Supp. 2d 1274 (D. Utah 2001), 318 F.3d 1363 (Fed. Cir. 2003)
- *Winbond Electronics Corp. v. International Trade Comm.*, 262 F.3d 1363, 275 F.3d 1344 (Fed. Cir. 2001)
- *Persistence Software, Inc. v. Object People, Inc.*, 128 F. Supp. 2d 623 (N.D. Cal. 2000), 200 F.R.D. 626 (N.D. Cal. 2001)

Related Practice Areas

- Litigation and Litigation Support
- Alternative Dispute Resolution
- Patents
- Trademarks
- Copyrights
- Trade Secrets
- Due Diligence
- Opinions
- Freedom to Operate/ Third Party Risk Assessment
- Competitive Landscape Analysis

Related Industries

- Computer Technology and Software
- FinTech and Blockchain
- Telecommunication
- Mechanical and Industrial Devices
- Electronic Hardware
- Semiconductor Devices and Materials
- Consumer Products
- Medical Devices

Bar Admissions

- California

Publications

- Counterfeiting Cannabis: Not a Victimless Crime (and What Can Be Done About It), California Cannabis Industry Association White Paper (2019) (with Nicole Syzdek and Wesley Hein)
- Did You Mark? I Didn't Notice! The Marking Statute and Licensed Patents, Daily Journal, (April 18, 2018) (with Joshua L. Rayes)
- Off the Record (Fed. R. Evid. 502 and Privilege Waiver), Los Angeles Daily Journal (December 4, 2008) (with Matthew L. Levine and William B. Mateja)
- Enhanced Damages for Postverdict Patent Infringement, 18 A.B.A. Intel. Prop. Lit. 4 (2007) (with Ian N. Feinberg)

- A Most Uncommon Carrier: Online Service Provider Immunity Against Defamation Claims in Blumenthal v. Drudge, 40 Jurimetrics J. 217 (2000)
- Safety in Numbers: The Attorney-Client Privilege and Internet Electronic Mail, 14 Berkeley Tech. L.J. 1117 (1999)
- Links, Liability and the Law: The Strange Case of Ticketmaster v. Microsoft, 23 Colum.-VLA J.L. & Arts 405 (1999)

Memberships

- San Francisco Bay Area Intellectual Property American Inn of Court
- American Bar Association Section on Intellectual Property Law
- American Intellectual Property Law Association

Education

- J.D., Columbia Law School, 1999, James Kent Scholar; Harlan Fiske Stone Scholar
- A.B., History-Sociology, Columbia College, 1990, National Merit Scholar; Empire State Scholar