

Matthias A. Kamber

With a background in mechanical engineering and a practice focused on patent and other intellectual property matters, Matthias Kamber protects his clients' technology from aggressive competitors and trolls. Regardless of the type of case or technology, he focuses on the key issues to identify the most effective legal strategy while balancing each client's corporate objectives. His approach has resulted in favorable pre-trial dispositions, successful negotiated resolutions, and victories at trial.

Mr. Kamber has handled patent cases involving Internet advertising and telephony, smartphones, and microprocessors throughout the country and before the U.S. International Trade Commission. He has also worked on trademark, copyright, and trade secret matters. In addition to his intellectual property practice, he has handled antitrust and commercial litigation.

Mr. Kamber is also involved in various IP-related organizations, including the American Intellectual Property Law Association, where he serves as vice chair of the Patent Litigation Committee, and the Federal Circuit Bar Association, where he serves as a co-chair of the Veterans Pro Bono Committee. He also represents veterans in pro bono appeals to the Court of Appeals for Veterans Claims.

CASES OF NOTE

Suffolk Technologies LLC v. AOL Inc. and Google Inc.: A Virginia federal judge granted our motion for summary judgment on all but one of Suffolk's patent infringement claims, and issued a Daubert ruling striking the plaintiff's expert damages opinion in its entirety. Soon after, Suffolk stipulated to invalidity on the last remaining claim. Suffolk had claimed that Google's AdSense advertising placement technology, which selectively places paid advertisements for a company's product or service on the Web page of another, used a similar protocol to the one under patent with Suffolk.



Matthias A. Kamber

PARTNER

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Education

The George Washington University
Law School, J.D., with honors, 2002

Cornell University, B.S. in
mechanical engineering, *magna
cum laude*, 1998

Prior Experience

Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP, Washington,
D.C.

Clerkships

Hon. Sharon Prost
U.S. Court of Appeals, Federal
Circuit, 2003-2004

Bar Admissions

California

Massachusetts

New York

Oracle America, Inc. v. Google Inc.: We represented Google in a high-stakes patent and copyright war brought by Oracle with billions of dollars at stake. Oracle, which bought the Java programming language by acquiring Sun Microsystems in January 2010, alleged that Google's Android mobile technology infringed Oracle's Java patents and copyrights. An expert for Oracle estimated Google owed Oracle up to \$6 billion in damages for infringement. Our team defended Google against all the patent and copyright claims, and also argued that the damage estimates were wildly inflated. Following repeated rounds of motions and briefing, the judge dismissed the bulk of Oracle's copyright claims, and at trial the jury rendered a unanimous verdict rejecting all claims of patent infringement. Although the jury decided that Google infringed an Oracle copyright on nine out of millions of lines of source code, the case is considered a sweeping victory for Google, with zero damages.

Apple Inc. v. HTC Corp: We served as lead counsel for HTC, a Taiwan-based manufacturer of handheld devices, in its battle with Apple over smartphone technology. Apple first sued HTC in district court and before the International Trade Commission (ITC), claiming our client had infringed on 20 patents related to various computer-related technologies, including user interfaces, operating systems, power management, and digital signal processing. The ITC hearing that went to decision resulted in a favorable ruling, and HTC obtained a settlement to become the first Android handset maker licensed by Apple.

Caritas Technologies v. Comcast Cable Communications, LLC: The U.S. Court of Appeals for the Federal Circuit upheld our successful defense of a \$2.2 billion patent infringement claim against Comcast Cable Communications, LLC. The plaintiff had asserted that Comcast's Digital Voice service infringed on its patents for Voice over Internet Protocol (VoIP) technology. We obtained a non-infringement judgment in the Eastern District of Texas, which was sustained on appeal.

Commonwealth Scientific and Industrial Research Organisation v. Semiconductor Company: We represented a leading semiconductor company in a patent trial brought in the Eastern District of Texas. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) asserted patent infringement claims against more than a dozen of the world's leading technology companies, including our client. CSIRO contended the defendants' Wi-Fi products infringed on CSIRO's patent, and sought nine to ten figure royalty payments. A week into the jury trial, we reached a favorable settlement with CSIRO, and the remaining parties also settled favorably.

Plaintiff v. Bioscience Company: We defended a bioscience company against claims that it breached a licensing agreement, and fought a motion for a preliminary injunction. The case was resolved via early evaluation and negotiation.

Washington D.C.

Practice Areas

- Antitrust
- Consumer & Class Actions
- Contract & Commercial
- Intellectual Property

News

Valley's Patent Bar Hears From New Federal Circuit Chief

12/11/2014 — Chief Judge of the U.S. Court of Appeals for the Federal Circuit Sharon Prost and her former clerk, Kecker & Van Nest Partner Matthias Kamber, discuss the scrutiny the court has been getting from the U.S. Supreme Court.

Keker & Van Nest Fends off Intrusive Demands and Secures Sanctions for Client Netflix

07/09/2014 — A federal judge refused to force Netflix Inc. to comply with Straight Path IP Group's "oppressive" subpoena demanding depositions, source code and more for its patent suits, finding Tuesday that Netflix is a nonparty in the cases and Straight Path may face sanctions.

LG, Toshiba Seek New ITC Penalty For Last-Minute Withdrawal

05/09/2014 — Kecker & Van Nest team called for a change to the ITC rules that would enable the agency to punish companies abandoning patent infringement cases at the last minute.

Supreme Court Enters Fray Over Patent Fee Awards

10/01/2013 — Matthias Kamber comments on a hot-button issue in patent litigation - how much latitude federal district judges should have to award attorneys fees to the prevailing party.

Plaintiff v. Impax Laboratories, Inc.: Impax Laboratories, Inc. asked us to take over a false advertising case regarding the company's generic drug that had been litigated for two years. Within several months we took 20 depositions, secured five expert reports, and settled the case on very favorable terms for our client.

Plaintiff v. Internet Search Engine: We represented a leading Internet search engine and its subsidiary against claims of unfair competition, dilution and various tort claims. The case involved novel issues of online trademark and domain-name law. After we successfully moved to dismiss various claims made by the plaintiff, the case was settled.

Broadcom Corporation, et al. v. Commonwealth Scientific and Industrial Research Organisation: On behalf of Broadcom, we led a joint-defense group of wireless chip manufacturers, PC manufacturers, and cellular network carriers. The plaintiff, CSIRO, asserted patent claims that allegedly covered a wide variety of products that offer wireless functionality under the IEEE 802.11 standard for local area networks. We settled the case favorably on the eve of trial.

Rembrandt Technologies, Inc. v. Comcast Cable Communications, LLC: We served as lead counsel for Comcast in a patent infringement case involving high-speed Internet and digital TV services. Rembrandt Technologies, Inc. originally filed the case in the Eastern District of Texas, but in conjunction with other co-defendants, we obtained consolidation and transfer to the District of Delaware. Based upon claim construction, Rembrandt conceded non-infringement of all patents, preserving only its right to appeal the claim construction as to the ninth. The Federal Circuit upheld the claim construction that resulted in non-infringement.

Wisconsin Alumni Research Foundation v. Semiconductor Company: The patent arm of the University of Wisconsin brought patent claims against our client for its core microprocessor technology. As co-lead counsel we defended the company, and settled the case favorably on the eve of trial.

Multinational Biotechnology Company v. Biopharmaceutical Company: We won partial summary judgment for a Seattle biopharmaceutical company and its founder in a trade secret and contract action over a cystic fibrosis drug. Aided by that ruling, and the favorable progress of the trial relating to the remaining claims, another biotechnology company acquired our client for \$365 million mid-trial.

PUBLICATIONS AND PRESENTATIONS

- "Joint/Divided Infringement," 15th Annual Advanced Patent Law Institute, 2014
- "Key Developments in Patent Law," Bar Association of San Francisco, 2014
- "Developments in Pharma & Biotech Patent Litigation," Practising Law Institute, 8th Annual Patent Law Institute, 2014
- "Best Practices for Litigating & Managing Disputes Under AIA," The Daily Journal/Thomson Reuters Litigating Patent Disputes Conference, 2013
- "Finding the Best Cure," *Intellectual Property Magazine*, 2013. Mr. Kamber's article explains how recent White House executive actions and proposals targeting frivolous litigation are efforts to treat the symptoms of a broken system rather than cure it.

AWARDS AND HONORS

Finding The Best Cure

06/25/2013 — Matthias Kamber explains how recent White House executive actions and proposals targeting frivolous litigation are efforts to treat the symptoms of a broken system rather than cure it.

Matthias Kamber Named Rising Star

04/01/2013 — Law360 honored attorneys under the age of 40 whose accomplishments in major litigation belie their age.

Keker & Van Nest Awarded Top Defense Verdict of 2012

02/13/2013 — Christa Anderson offers her insights into how Keker & Van Nest defeated Oracle Corp.'s \$6 billion copyright and patent case on behalf of Google.

Federal Circuit Affirms Win for Comcast

09/14/2012 — Keker & Van Nest wins a complete victory in patent infringement case.

23 Keker & Van Nest Attorneys Named "Best Lawyers"

08/28/2012 — The firm receives top rankings for bet-the-company, intellectual property, criminal defense, securities, commercial, legal malpractice, and appellate litigation.

Smartphone Patent Litigation

07/18/2012 — Matthias Kamber comments on the value of patents in the smartphone industry.

The Future of APIs

06/28/2012 — Matthias Kamber provides insights on the copyrightability of APIs.

Keker & Van Nest Wins Defense Verdict for Google in High-Stakes Battle with Oracle

05/23/2012 — Keker & Van Nest bested Oracle's legal team, who were unable to secure any significant wins during the multiphase five-week trial.

Keker & Van Nest Drastically Limits Damages in Copyright Phase of Oracle v. Google Smartphone War

05/07/2012 — Partial verdict in Oracle-Google case seen as setback for Oracle.

17 Partners Selected for 2012 Best

- World's Leading Patent Practitioners, *IAM Patent 1000*, 2014
- Intellectual Property Rising Star, *Law360*, 2013
- *Best Lawyers in America* for Intellectual Property and Patent Litigation, 2012-2014
- Recommended Attorney, Intellectual Property - Patent litigation, *The Legal 500 U.S.*, 2011
- Committee Individual Leadership Award, Federal Circuit Bar Association, 2011
- Rising Star, Northern California Super Lawyers, 2010-2013
- Editor-in-chief, *George Washington International Law Review*
- Order of the Coif, George Washington University Law School

PROFESSIONAL AFFILIATIONS

- Member, Federal Circuit Bar Association
- Vice chair of Patent Litigation Subcommittee on Experts, American Intellectual Property Law Association, 2013-2014
- Co-chair of Damages Subcommittee, American Intellectual Property Law Association, 2012-2013

INTELLECTUAL PROPERTY, PATENT

Suffolk Technologies LLC v. AOL Inc. and Google Inc.: A Virginia federal judge granted our motion for summary judgment on all but one of Suffolk's patent infringement claims, and issued a Daubert ruling striking the plaintiff's expert damages opinion in its entirety. Soon after, Suffolk stipulated to invalidity on the last remaining claim. Suffolk had claimed that Google's AdSense advertising placement technology, which selectively places paid advertisements for a company's product or service on the Web page of another, used a similar protocol to the one under patent with Suffolk.

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Lawyers in America

09/01/2011 — Keker & Van Nest partners were recognized in more than ten categories, including bet-the-company litigation, criminal defense, and intellectual property litigation.

Events

Advanced Patent Law Institute

12/11/2014 — Matthias Kamber will present "Joint/Divided Infringement" at the 15th Annual Advanced Patent Law Institute.

Key Developments in Patent Law

10/10/2014 — Matthias Kamber and Matan Shacham will present to the Bar Association of San Francisco's Barristers Club.

2014 Patent Law Institute

MARCH 17-18, 2014 — Matthias Kamber will be a featured speaker at this annual institute, designed to be of ultimate practice value to all three subgroups in the patent law community: patent prosecutors, patent litigators, and strategic/transactional lawyers.

Best Practices for Litigating & Managing Disputes under AIA

11/05/2013 — Matthias Kamber will address this critical topic at the 2013 Litigating Patent Disputes Conference.

Patent Disputes 2013

03/27/2013 — Ashok Ramani, Asim Bhansali and Matthias Kamber will speak at this conference, which brings together a distinguished faculty of the foremost patent attorneys, judges, and in-house counsel in the country.

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INTELLECTUAL PROPERTY, TRADEMARK / UNFAIR COMPETITION

Abbott and Fournier v. Teva, Impax Laboratories, Inc.: We represented Impax Laboratories, Inc. against Abbott and the French pharmaceutical company Fournier in a plaintiff-side antitrust case that alleged monopolization in a drug market. We led the trial presentation for all of the plaintiffs, and secured a settlement for Impax midway through the trial.

Plaintiff v. Internet Search Engine: We represented a leading Internet search engine and its subsidiary against claims of unfair competition, dilution and various tort claims. The case involved novel issues of online trademark and domain-name law. After we successfully moved to dismiss various claims made by the plaintiff, the case was settled.

Discover v. Visa USA, Inc.: We defended Visa USA, Inc. in one of the largest private civil antitrust matters in U.S. history. Discover sued MasterCard and Visa for alleged antitrust violations, claiming that credit card network rules affected member banks' ability to issue American Express and Discover cards. The case settled on the eve of trial for billions less than Discover claimed. We also defended Visa in a similar action brought by American Express.

CONTRACT DISPUTES

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