

David E. Sipiora

Retired Partner

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Services

Advertising Counseling & Disputes
Brand Licensing & Related Transactions
Clearance & Portfolio Management
Copyright Litigation & Counseling
Intellectual Property
ITC Section 337
Licensing, Transactions & Monetization
Online & Digital Enforcement
Patent Litigation
Post-Grant Proceedings
Trade Secrets
Trademark Litigation
Trademark, Copyright & Advertising

Industries

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 retired from Kilpatrick in April 2020 after more than twenty years as a partner in the firm and its predecessor, Townsend, Townsend & Crew. Before the merger of Kilpatrick in January 2011, Mr. Sipiora was Chair of Litigation at TTC. From 2011 to 2016, Mr. Sipiora served as Co-Chair of the Patent Litigation Group at KTS overseeing a team of approximately 80 lawyers. A first-chair trial lawyer, Mr. Sipiora has served as lead counsel in several hundred patent cases across the United States, including all of the major patent venues – E.D. Texas, N.D. Cal., D. Del., C.D. Cal., W.D. Texas, and S.D.N.Y. As lead counsel, he tried dozens of patent, trade secret, and trademark cases to verdict, and was lead counsel in more than a dozen investigations before the U.S. International Trade Commission. Mr. Sipiora's practice spanned all intellectual property subject matter areas, but focused on patent litigation and licensing, trademark prosecution and counseling, and trade secret litigation and counseling. As described below, Mr. Sipiora repeatedly has been selected as one of Colorado's top intellectual property lawyers by *Chambers USA*, *IAM Patent 1000*, *Super Lawyers Magazine*, *The Best Lawyers in America*, *Managing Intellectual Property Magazine*, and *Law Week Colorado*.

During his nearly thirty-five year career, Mr. Sipiora has represented plaintiffs and defendants, from start-ups to multinational companies, in enforcing and protecting rights in cutting-edge technology and well-established technology in virtually every commercial industry, from electronics and telecommunications (with particular experience in microprocessors, computer memory, databases, networks, and wireless communications) to consumer products, the food and beverage industry, and software applications in a host of commercial and industrial settings.

Mr. Sipiora is known for his efficiency and creativity in problem solving, not necessarily turning over every rock, but only those necessary to secure a successful outcome. In interviews with *Chambers USA*, clients have describe him as "incredibly results-oriented," stated that his "litigation prowess is well known and he has a tremendous work ethic. He's outstanding." Others clients have commented that he is "tenacious and efficient -- he resolves contentious issues very quickly and at the least expense." Mr. Sipiora has served as a mediator in patent litigation and has participated in dozens of mediations as lead legal negotiator for his client.

Mr. Sipiora has been a member of the Bar of the State of California since 1986, N.Y. and D.C. since 1990, and Colorado since 1998. From 1986-88, he served as a law clerk in the U.S. District Court for the N.D. of California where he gained extensive hands-on experience in 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 to verdict or decision. In addition to serving as first-chair in dozens of trials, Mr. Sipiora has argued approximately two dozen cases in the U.S. Courts of Appeal, the majority of which have been in the Federal Circuit.

Mr. Sipiora is listed in the 2020 and the nine years immediately preceding editions of *Chambers USA* for intellectual property. He is one of only four lawyers rated by *Chambers USA* 2020 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*® in 2012 for patent litigation, and again in 2021 and the eight 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 and 2021 for intellectual property litigation by *The Best Lawyers in America*®. 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 2020 and the seven years immediately preceding by *Managing Intellectual Property* magazine. Mr. Sipiora was named a top patent practitioner in 2020 and the seven 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 one of Colorado's "2020 Top Lawyers" by *Best of 5280 – Denver Directory*. He was selected as "People's Choice in 2013" by *Law Week Colorado* for "Best Intellectual Property Litigator" in Colorado.

Experience

Lead counsel for respondents Broadcom, Inc. and six downstream customers (Technicolor, HTC, Comcast, Arista, NETGEAR, and ARRIS) in patent infringement and importation investigation in the U.S. International Trade Commission. Action brought by Tessera Technologies relating to semiconductor chip design and packaging technology. Case settled favorable after hearing/trial. *In re Certain Semiconductor Devices*, U.S. ITC Investigation No. 337-TA-1010 (ITC, case filed 2016).

Lead counsel for plaintiff New Belgium Brewing Company in trademark infringement action brought in W.D. Texas relating to denomination of new product. Case settled favorably at the conclusion of discovery. *New Belgium Brewing Co. v. Oasis Texas Brewing Co.*, Case No. 1:15-cv-452-LY (W.D. Texas, case filed 2015).

Lead counsel for defendant, a leading manufacturer and seller of optical lenses used in iPhones, in case involving multiple claims of patent infringement in N.D. California. Obtained summary judgment of non-

infringement; judgment upheld after appeal to Federal Circuit. *Largan Precision Co. v. Genius Electronic Optical Co.*, 13-cv-02502 (N.D. Cal.); affirmed 646 F. App'x 946 (Fed. Cir. 2016), Case No. 2015-1695.

Lead counsel for defendants LSI Corporation and Agere Systems, LLC in multiple patent litigation and licensing dispute in N.D. California. Case involved claims of RAND violation in connection with licensing of standard essential patents. Case settled while on appeal after split jury verdict. *Realtek Semiconductor Corp. v. LSI Corp. and Agere Systems*, Case No. 5:12-cv-3451-RMW (N.D. Cal., case filed 2012).

Lead counsel for respondents LSI Corp. and Seagate Technologies in patent infringement and importation investigation in the U.S. International Trade Commission. Action brought by Rambus, Inc. involving external memory controllers and serializer/deserializer interfaces used in integrated circuits. Case settled favorable after successful outcome at ITC hearing/trial. *In re Certain Semiconductor Chips and Products Containing Same*, ITC Inv. No. 337-TA-753 (ITC, case filed 2010).

Lead counsel for plaintiff Western Union in patent infringement action brought in the W.D. Texas involving patents for staging money transfers. After securing summary judgment of non-infringement of MoneyGram's asserted patent, won jury verdict of infringement in favor of Western Union and damages award of \$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), reversed 626 F.3d 1361 (Fed. Cir. 2010).

Lead counsel for defendants Agere Systems Inc. and LSI in a patent infringement and contractual dispute related to semiconductor processing, circuit design, modem and wireless technology in District of Delaware. Case brought by licensing subsidiary of General Electric. Case settled successfully after jury trial and verdict invalidating three of plaintiff's four standard essential patents. *CIF Licensing LLC v. Agere Sys. Inc.*, No. 07-0170 (D. Del., case filed 2007).

Lead counsel for plaintiff Agere Systems Inc. in patent infringement suit brought in E.D. Texas to enforce terms of licensing agreement relating to semiconductor technology. Case settled favorably after arbitration hearing. *Agere Sys. Inc. v. Samsung Elecs. Co., Ltd*, No. 06-0185 (E.D. Tex., case filed 2006).

Lead counsel for defendants Starbucks, Seattle's Best Coffee, Circuit City, Williams-Sonoma, and Pottery Barn in a patent infringement suit regarding stored value card transactions. Obtained summary judgment of non-infringement which was affirmed after an appeal to the Federal Circuit. *Realsource, Inc. v. Best Buy, et al.*, No. 1-771 (W.D. Tex., case filed 2004), affirmed 282 F. App'x 821 (Fed. Cir. 2008).

Lead counsel for defendants 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, mooted the non-infringement issues. Ruling upheld on appeal by the Federal Circuit. Default Proof v. Home Depot U.S.A., Inc. et al., No. 1:03-cv-20094-CMA (S.D. Fla. 2003), affirmed 412 F.3d 1291 (Fed. Cir. 2005).

Education

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

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

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 Fifth Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

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

U.S. District Court for the District of Colorado

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

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

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

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

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

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

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

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 Attorneys Earn Notable Acknowledgement as 2022 IAM Global Leaders

July 27, 2022

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America© 2021

August 20, 2020

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Kilpatrick Townsend Attorneys Named 2020 Managing Intellectual Property IP Stars

June 1, 2020

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Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2020

April 24, 2020

[News Releases](#)

Six Kilpatrick Townsend Attorneys Named 2020 Colorado Super Lawyers

March 27, 2020