

Seth B. Herring

Partner

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Services

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Medical & Surgical Devices
Retail & Consumer Goods
Technology

Seth Herring is a highly accomplished trial lawyer who resolves complicated intellectual property disputes. With an extensive background in a broad range of litigation, including patents, trademarks, trade dress, copyrights, and commercial litigation, Seth brings a wealth of experience to every case.

Seth is skilled in patent litigation disputes, having represented both plaintiffs and defendants in various jurisdictions across the country, including the International Trade Commission (ITC). Known for aggressively defending his clients' rights, he has a proven track record of success in a wide range of technologies, including computer software and hardware, wireless networks, cybersecurity, and medical devices.

Seth advocates on behalf of clients seeking to protect their trademarks and trade dress in areas such as food and beverage, household goods, hospitality, apparel, and engineering. He has a wealth of experience resolving trademark and trade dress cases in federal courts, as well as opposition and cancellation proceedings before the Trademark Trial and Appeal Board.

As a commercial litigator, Seth represents clients in the high tech space, including advertisers that have been defrauded by advertising agencies and networks.

Beyond his impressive legal work, Seth is also a dedicated pro-bono attorney, frequently representing clients in immigration proceedings. His unwavering commitment to justice and social equity has earned him a well-deserved reputation as a leader in his field.

Prior to joining the firm, Seth was a partner in the San Francisco office of an international law firm where he was a trial lawyer protecting innovation and brand value in patent, trademark, trade dress, and copyright litigation

nationwide.

Seth was recognized in 2025 and 2026 for Intellectual Property Litigation and in 2026, he was also recognized as a "San Francisco Lawyer of the Year" in the area of Intellectual Property Litigation by *The Best Lawyers in America*®. He was named a top patent practitioner in 2024, 2025 and 2026 by *IAM Patent 1000 – The World's Leading Patent Practitioners*. Seth was listed in the 2026 edition of *WTR 1000 – The World's Leading Trademark Professionals* for Enforcement and Litigation. He was also recognized as a Northern California "Rising Star" for Intellectual Property Litigation in 2020 and the five years immediately preceding by *Super Lawyers* magazine.

Experience

*Represented a global test equipment manufacturer in multi-forum cybersecurity patent infringement dispute with litigation proceedings in the Eastern District of Virginia (11 patents), the ITC (3 patents), the UPC (1 patent) and Germany (3 patents) and multiple inter partes reviews before the USPTO.

*Represented defendant in \$270M patent infringement suit involving 12 patents relating to collaborative software and file synchronization. Prevailed on motion to strike plaintiff's damages expert. After a 2-week jury trial, the jury awarded plaintiff less than 2% of its original damages claim.

*Represented a leading developer of specialty surgical solutions in multiple patent infringement suits involving nearly 10 patents related to mechanical operation of specialized spinal surgical tables.

*Represented defendant in patent infringement suit relating to network cards. After a 3-week jury trial, obtained verdict of patent invalidity on a patent which had been re-examined by PTO 3 times. Jury also found non-infringement and no willfulness. Named on the San Francisco and Los Angeles *Daily Journal's* list of Top California Defense Verdicts of 2012.

*Represented defendants against allegations of infringement of nine patents related to wireless networking and other mobile computing technology.

*Represented an intervenor semiconductor company specializing in wireless and wired networking technologies in patent infringement suit involving Ethernet technology. Prevailed on summary judgment of non-infringement.

*Represented global test equipment manufacturer and computer processor manufacturer in patent infringement suits involving the 5G cellular standard.

*Represented a global beauty brand in a landmark trademark and trade dress enforcement action against a competitor involving the iconic design and name for a mascara product and the growing issue of "dupes" in the beauty industry.

*Represented famous Spanish soccer clubs in a TTAB cancellation action against a national soccer league over rights to the mark EL CLASICO, arguing the term is primarily associated with the clubs.

*Represented a global beverage brand in multi-jurisdictional trade dress dispute involving spherical shaped bottles. Case settled favorably after filing a motion for summary judgment.

*Represented a leading ride-share company in a copyright and contract dispute with a software developer involving alleged unauthorized use of licensed software.

*Represented a leading food-delivery company in a copyright dispute involving photographs of food and beverage items online.

*Represented a leading ride-share company against advertising networks and agencies in actions for fraud, negligence, and RICO violations related to placement of advertisements on mobile websites and applications.

*Represented a global test and measurement company in a commercial arbitration regarding royalties paid under a settlement agreement.

*Experience gained by attorney prior to joining Kilpatrick

Education

University of California, Hastings College of the Law J.D. (2007)

Brandeis University B.A., Chemistry and Philosophy (2003)

Admissions

California (2007)

Court Admissions

Supreme Court of California

U.S. Court of Appeals for the Ninth Circuit

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

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

Insights

[News Releases](#)

Renowned Patent Litigation Team Joins Kilpatrick in San Francisco

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