



Phone: 310.788.3520

Fax: 310.551.0283

Email: rdebodo@tocounsel.com

Richard de Bodo is the Chair of the firm's Intellectual Property (IP) Practice. Rich is lead trial counsel in high-stakes, cutting-edge patent, trade secret, trademark, and copyright cases for the world's leading technology, electronics, software, pharmaceuticals, biotechnology, biosimilars, and medical device companies. Rich has won significant victories in federal and state courts throughout the US, appellate courts, the International Trade Commission (ITC), US Patent Office proceedings, arbitrations, and other forums for companies and individuals seeking to protect or enforce their IP, defending US and international markets for their products, and/or launching new products, entering new markets, and seeking to overcome barriers to entry. Rich has significant experience:

- litigating patent infringement and inventorship cases in the district courts and the ITC;
- litigating cases and counseling clients under the Hatch-Waxman Act and the Biologics Price Competition and Innovation Act (BPCIA);
- litigating post-grant challenges to patents before the PTAB;
- litigating trade secrets cases in federal and state courts;
- litigating Lanham Act, trademark, and unfair competition cases;
- counseling companies (including early-stage companies) and individuals on how to obtain IP or broaden IP protections or on IP strategy;
- negotiating IP licenses or corporate transactions involving IP, and
- conducting IP due diligence and IP analysis.

Rich has consistently been rated one of the best IP lawyers in the U.S. According to Chambers USA, "Clients are impressed by Rich's brilliant mind and unmatched strategic skills." Chambers quoted one client that, "When the stakes are high, Rich is the only person I'd go to. He gets the job done in a measured and calm manner." Another client stated: "Rich is the person you need when you're faced with highly complicated IP legal matters that involve many variables." Another publication recently named Rich the General Patent Litigator of the Year for California. Before joining the firm, Rich served as chair of the IP or patent litigation practice at several other major global law firms.

Representative Matters

Technology and Software Companies

Won summary judgment of noninfringement and Federal Circuit appeal in high-stakes patent infringement case involving launch of major new Internet search technology.



Won summary judgment in district court, summary determination at the ITC, and Federal Circuit appeal in bet-the-company case that resulted in a landmark Federal Circuit ruling on the Digital Millennium Copyright Act.

Won summary judgment of noninfringement in two patent infringement cases involving company's market-leading photographic-quality printers and inks.

Won summary judgment of noninfringement in high-stakes patent infringement case involving digital cameras and camcorders.

Successfully represented leading decontamination and disinfection company in cutting-edge patent and trademark litigation, validated company's patented technology, and secured and strengthened its market-leading brand.

Successfully represented leading semiconductor company in high-stakes trade secrets and employee solicitation case involving semiconductors that perform RF tuning and transceiving and defeated preliminary injunction motion brought by a leading competitor.

Won trial and obtained a \$120 million jury verdict and world-wide injunction in a patent and trade secrets case involving complex computer software.

Pharmaceutical, Biotechnology, and Life Sciences Companies

Won trial for pharmaceutical company in high-stakes Hatch-Waxman patent litigation involving client's best-selling anesthetic drug and obtained permanent injunction blocking market entry by competitor on all three asserted patents.

Successfully obtained freedom to operate for biopharmaceutical company in high-stakes inventorship litigation over 37 US and international patents concerning peptide therapies that stimulate red blood cell formation.

Won trial court and Federal Circuit victories and obtained a permanent injunction for leading pharmaceutical company in Hatch-Waxman patent case involving billion-dollar anti-ulcer, heartburn, and acid reflux drug.

Successfully represented leading pharmaceutical company in series of Hatch-Waxman cases relating to market-leading pharmaceutical for ulcerative disorders and defeated multiple attempts to introduce competing generic products.

Successfully assisted biosimilar manufacturer in invalidating key blocking patents, overcoming multiple barriers to entry, navigating the BPCIA, and launching major biosimilar antibody product several years ahead of schedule.

Won multiple summary judgments of noninfringement for leading pharmaceutical company in patent lawsuit targeted at its billion-dollar cancer drug and its international cancer research program.

Successfully represented biopharmaceutical company in asserting its crown-jewel patents relating to humanized antibodies and obtained lucrative licenses from market-leading pharma company for four blockbuster biologic drugs.

Successfully represented leading pharmaceutical company in high-stakes patent infringement case involving drug for severe sepsis and challenges to the company's



conduct in clinical trials and the FDA approval process.

Successfully represented leading pharmaceutical company in patent and antitrust lawsuit and defeated challenges to company's crown-jewel patents covering its blockbuster AIDS therapies.

Successfully represented leading biotechnology company in multiple bet-the-company patent cases defending and asserting its market-leading technologies involving DNA microarrays and DNA sequencing.

Won district court and Federal Circuit victories for a vaccine company in a patent case that resulted in a significant Federal Circuit decision on inventorship and university ownership of patents.

Successfully represented biotechnology company in high-stakes patent case and preserved freedom to operate for its market-leading diagnostic test and immunoassay technology.

Native American Law

Won federal district court trial in lawsuit under the Voting Rights Act and US Constitution on behalf of Alaska Native voters and negotiated settlement establishing that for the first time, the State of Alaska would provide voters its Official Election Pamphlet and other voting materials in multiple different Alaska Native languages and dialects.

Won federal district court injunction under the US Constitution and Voting Rights Act prohibiting North Dakota from enforcing restrictive voter identification requirements in presidential election.

Successfully represented the Native American Rights Fund (NARF) and obtained substantial attorneys' fees award based on NARF's work for 14 years in landmark litigation relating to federal mismanagement of Native American trust assets.

Practice Areas

Technology and Intellectual Property Litigation

Intellectual Property Protection

Healthcare

Business and Commercial Litigation

Antitrust, Trade Secrets and Unfair Competition

Product Liability

Class Actions

Native American Law

Admissions

Bar Admissions

California

District of Columbia

Education

Harvard College (B.A.)
Harvard Law School (J.D.)

Professional Recognition

Chambers USA, Outstanding Lawyer in Intellectual Property: Patent, California (2009–2018)
Chambers USA, Outstanding Lawyer in Life Sciences: IP/Patent Litigation, California (2009–2018)
Best Lawyers, Outstanding Lawyer in Patent Litigation (2007–2018)
Benchmark Litigation, Outstanding Lawyer in Intellectual Property and Life Sciences, California (2015–2018)
The Legal 500 US, Outstanding Lawyer in Healthcare – Life Sciences (2015–2018)
Daily Journal, Outstanding Intellectual Property Lawyer (2010–2018)
Managing Intellectual Property, IP Patent Star – California, (2012–2018)
LMG Life Sciences, Life Sciences Star, Intellectual Property (2012–2018)
Super Lawyers, Outstanding Intellectual Property Litigation Attorney, (2005–2018)
Who's Who Legal, Outstanding Life Sciences Attorney (2015–2018)
Award Recipient, *General Patent Litigator of the Year–California*, Euromoney/LMG Life Sciences (2016)
Award Recipient, *Best Firm for Biologic Drug Litigations - California*, Global Health and Pharma (2016 and 2017)
Award Finalist, *Outstanding IP Litigator Award*, Managing Intellectual Property (2016)
Award Finalist, *General Patent Litigator of the Year–California*, Euromoney/LMG Life Sciences (2017)
Native American Rights Fund, Recognized and honored for pro bono work
Litigation Counsel of America, Selected as a Fellow
Former Co-Chair, American Bar Association Intellectual Property Litigation Committee, Litigation Section
Former Co-Chair, American Bar Association Annual Intellectual Property Law Conference, Intellectual Property Section
National Institute of Trial Advocacy, Instructor on Trial Advocacy and Trial Strategy
Hastings College of Advocacy, Instructor on Trial Advocacy and Trial Strategy
Judicial Clerk, US Court of Appeals and US District Court