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## Doyle's practice on leading edge as patent law grabs spotlight

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These are heady days for attorneys dealing in intellectual property, that once arcane area of law more likely to elicit a yawn or a blank stare of indifference.

Recently, the U.S. Supreme Court has ruled on numerous patent-related cases in stark contrast to the high court's behavior during the previous several decades.

Congressional lawmakers, meanwhile, have been working on overhauling the patent system for the past three years, igniting heated debate among all sides from backyard inventors to major software corporations.

Even Hollywood is getting into the act. "Flash of Genius," a movie about an inventor who claims automakers stole his idea for the intermittent windshield wiper, opened in theaters Oct. 3.

"This is the golden era (for patent attorneys)," said David Doyle, an intellectual property litigator in the San Diego office of **Morrison & Foerster**. "It's always nice to be in an area that has greater public interest."

Doyle, who has practiced patent litigation for almost 15 years, isn't surprised at the increased attention patent law has received. It's one of the reasons he entered the profession.

"Given the transformation of the United States economy, one would expect the assets that protect technology, and that are central to extracting the value from technology, would become the most important disputes in the judicial system, and that is what has happened," he said.

The Supreme Court's recent spate of patent-related cases is the result of a trend that began a decade ago, when IP cases began showing up at the trial and appellate level. The high court's willingness to discuss them affirms the heightened importance of patents in today's business climate.

"It's a real recognition of how knowledge-centric and technology-oriented our economy has become," Doyle said. "A number of different factors have caused there to be a greater number of patent cases before the Supreme Court. I think the one that, at the end of the day, matters the most is that it is where the action is."

Doyle, likewise, has gravitated to where the action is, representing small and emerging life sciences companies whose discoveries are "under attack" from billion-dollar businesses.

Some of his clients include Dexcom, a continuous glucose monitoring company; Syntron Bioresearch, a small San Diego diagnostic company; and Acon Laboratories.

He enjoys fighting on behalf of these smaller companies, who he feels have the "newer technology, the better technology." Many times, Doyle's cases take on a David versus Goliath aspect, a position he relishes.

Doyle said he and his San Diego-based colleagues are typically underestimated heading into trial because they're not from the traditional financial centers of power like New York, Washington D.C., San Francisco or Los Angeles.

"People tend to take us for granted, and I find it enjoyable to make them regret



Photo: J. Kat Woronowicz

**David Doyle is an intellectual property litigator in the San Diego office of Morrison & Foerster.**

that and come to respect both our client's (position) and the positions we've taken on their behalf successfully," he said.

Mark Zebrowski, the managing partner of Morrison & Foerster's San Diego office since 2005, called Doyle "a lawyer's lawyer and a partner's partner."

"He's very, very smart, very diligent and hard-working," Zebrowski said. "He's very dedicated to his client, partners and the firm."

Doyle came to Morrison & Foerster's San Diego office shortly after it opened in 2000, helping it grow from five attorneys to approximately 80.

"He's a remarkable asset for our reputation, for our ability to service our clients, and for our ability to attract and retain top people to work here," Zebrowski said. "He's one of the main reasons this office has been able to grow and flourish."

Not only has Doyle strengthened the reputation of Morrison & Foerster, he's bolstered the credibility of San Diego's federal court among the patent community by encouraging the creation of its patent local rules.

He sat on the committee that drafted the rules, which give plaintiffs and defendants a high level of certainty about how their cases will proceed regardless of which judge they get.

The rules are similar to those in Delaware and the Eastern District of Texas, and they should help make San Diego a more appealing venue for biotech and telecomm companies to file their patent lawsuits, according to Doyle.

"I think there are aspects of San Diego, in terms of the bench, in terms of the jury pool (and) time to trial that work well for certain types of cases," he said.

U.S. District Judge Dana Sabraw, a colleague of Doyle's when the two were attorneys at Baker & McKenzie, initiated the local rules discussion at the behest of Doyle. San Diego's other federal judges also have shown an interest in patent cases, a marked contrast from the past when Judge Rudi Brewster would handle the majority of IP cases, according to Doyle.

"Most have tried a number of patent cases, so there are a number of judges who are developing considerable experience," Doyle said. "All are interested in doing these cases because they are the most exciting, the most challenging and the most important cases from an economic/business perspective."

Doyle is passionate about making San Diego a go-to district for patent litigation. He said it's an advantage for San Diego's biotech, wireless and pharmaceutical companies because it saves on travel expenses and places officials in familiar, more comfortable surroundings.

"It's really important that San Diego companies feel this forum is a forum where they can take their disputes," Doyle said, "and get interested judges with background experience in these types of cases. That has become very much the case in San Diego, so I think it's a real credit to the bench. It's another way in which San Diego has evolved as a community on the legal side over the last 15 to 20 years."

Doyle has always been intrigued by the complexity of technology and the legal issues involved.

"That combination poses a unique advocacy challenge to trial lawyers," he said. "How do you convey complex legal issues and technology issues in an understandable way?"

It's his ability to simplify complex facts for judges and juries that makes Doyle such an effective advocate, said Richard Kim, a Morrison & Foerster patent attorney who has known Doyle for 10 years.

"I think he's one of best communicators I've seen in the courtroom," Kim said. "Communicating in a meaningful and accurate fashion makes him a great trial attorney. That is a skill that does not come easily to most of us."

Doyle also brings out the best in his colleagues, according to Kim.

"He's a great leader and motivator," said Kim, who leads the firm's high-tech patent group in San Diego. "He leads by example by being an extraordinarily hard worker, dedicated to his profession, and being the best attorney that he can be."