



2021 TOP INTELLECTUAL PROPERTY LAWYERS

James R. Batchelder

Batchelder says he is a lucky guy, and one reason surely must be that he finds all his patent, copyright and other intellectual property cases fun and interesting.

For instance, there's the set of matters in which for six years he has been defending Emerson Electric Co. against allegations that its wireless mesh network products infringe patents belonging to Sipco LLC.

Besides the 2015 federal lawsuit in Atlanta, the two companies have battled more than a dozen times at the Patent Trial and Appeal Board, several times at federal appellate courts, at the U.S. International Trade Commission and in a couple of European courts.

He even had a quick win at the U.S. Supreme Court.

"It's a really interesting set of cases with, I would say, substantial victories for Emerson at virtually every juncture," Batchelder said.

The Supreme Court ruling even led to a revised decision from the U.S. Court of Appeals for the Federal Circuit denying itself the authority to review PTAB decisions to hear challenges of patents as covered business methods. *Sipco LLC v. Emerson Electric Co.*, 2018-1635 (Fed. Circ., filed Nov. 17, 2020).

In a very different lawsuit, Batchelder represents an inventor in lawsuits accusing a competitor of violating patents for expandable garden hoses.

"It's a fun case because it's about something you could see advertised on television," he said.

His client, Ragnar Technology Corp., claims the competitor is marketing knockoffs of their hoses and engaging in delaying tactics. *Telebrands Corp v. Ragnar Technology Corp.*, 16-CV03594 (D. N.J., filed June 21, 2016).

Batchelder is also having fun defending Target Corp.'s use of Bluetooth beacons in its stores' light fixtures to send shopping information to customers. He is set to argue against nine of the patents before the PTAB in August and September.

And then there is the amicus curiae brief he filed at the 9th U.S. Circuit Court of Appeals in "a super interesting case" on behalf of the free online library Project Gutenberg and others.

The brief supports a federal court's refusal to enforce a French copyright judgment that would be "repugnant" under U.S. copyright law.

"I'm a very lucky guy," Batchelder said. "I have a really nice, balanced practice."

— Don DeBenedictis



ROPES & GRAY
East Palo Alto

SPECIALTIES:
Patent,
Copyright Litigation