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Q&A With Sheppard Mullin's Amar Thakur

Law360, New York (July 30, 2009) -- Amar Thakur is co-chair of Sheppard Mullin Richter & Hampton LLP's intellectual property practice group. His practice focuses on intellectual property litigation, particularly patent litigation. Thakur's litigation experience includes representation of large technology companies in the telecommunications, medical devices, software, semiconductors and life sciences industries. He also has significant experience handling a broad range of intellectual property transactional matters.

His representative clients include BAE Systems, Broadcom, Conexant Systems, Entropic Communications, Gen-Probe, International Rectifier, Lenovo, Lineage Power, Medtronic, Mformation Technologies, Nextec Corp., Northrop Grumman, Overland Storage, Quantum Corp., Samsung, Sony Online Entertainment and State Compensation Insurance Fund.

Q: What is the most challenging case you've worked on, and why?

A: Quantum Corporation v. Riverbed Technology Inc., case number C 07-04161 WHA, in the Northern District of California, Judge William Alsup presiding. We litigated this patent infringement case on behalf of Quantum, going head-to-head with Quinn Emanuel.

The software-based data deduplication technology was cutting edge, and Quinn fought hard, counterclaiming with one of Riverbed's patents. Quantum responded with another of its patents, adding another case to the mix. Add to that a cautious sole inventor of one of Quantum's patents that resided in Australia and meticulously maintained 12 years of documents, and a round of claim construction with Judge Alsup.

After claim construction, we obtained an excellent settlement, and Quantum was ecstatic.

Q: What accomplishment as an attorney are you most proud of?

A: In 2004, I left Latham & Watkins to grow a nascent Del Mar intellectual property practice group, and grow Sheppard's national intellectual property practice group. I hand-recruited (including cold-calling) many of the best lateral attorneys in San Diego and beyond.

Sheppard's Del Mar IP group is now one of the largest and most successful in San Diego, and is nationally known. The team is terrific and works together seamlessly. We have consistently obtained eight-figure settlements each year for the past several years.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Electronic discovery. It is ever-growing, as companies accumulate more and more data, and is becoming cost- and time-prohibitive. Courts should more carefully manage the universe of discoverable data and the timing of e-discovery. More specifically, courts should oversee implementation of search terms and other filtering methods.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Companies, particularly those in distress, are looking to monetize their IP portfolios. Also investors are now looking at IP as an asset class and will get more involved in monetizing those IP portfolios.

Q: Outside your own firm, name one lawyer who's impressed you, and tell us why.

A: Cheston Larson at Latham & Watkins. Cheston is around my age, and we grew up together at Latham. He is extremely hard-working, smart, charming, committed to his clients, committed to developing business, and overall a good person.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: My practice focuses on litigation. Any young lawyer interested in IP litigation should welcome large, complicated cases, and accept that only a very small percentage will go to trial. He or she should gain a thorough understanding of the technology at issue, and strive to identify and focus most efforts on the most significant issues, as the cases can balloon.

Because IP litigation is relatively expensive, and fewer clients are willing or able to pay for it compared to other types of litigation, any young lawyer should focus on building relationships and developing business from the get go.