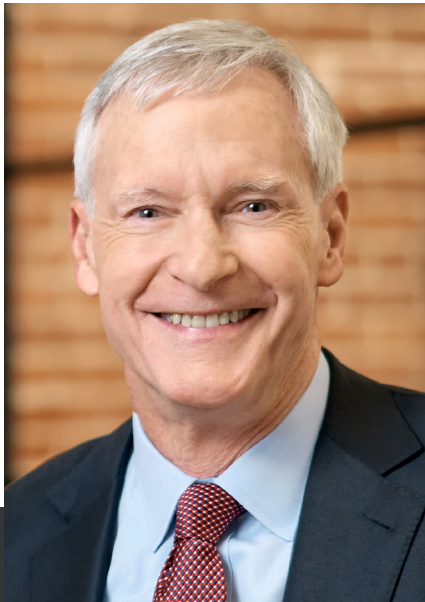


# Daily Journal

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## LEADING COMMERCIAL LITIGATORS 2024



**ROBERT A. VAN NEST**

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San Francisco

Complex Civil & Criminal  
Litigation

**T**he patent and other intellectual property cases Robert Van Nest litigates tend to be very large.

Right about now, Van Nest should be wrapping up a two-week jury trial

in Boston defending Google against claims that the advanced processing chips the search giant uses in its many data centers to perform “artificial intelligence training and inference” infringe a pair of patents owned by another company. *Singular Computing LLC v. Google LLC*, 1:19-cv-12551 (D. Mass., filed Dec. 20, 2019).

He said the plaintiff is seeking “billions of dollars” that it claims Google saved by avoiding the need to build additional data centers thanks to the allegedly infringed technology.

Then in March, the very busy IP litigator will be in Delaware leading the defense of a pioneer in continuous glucose monitoring technology battling over seven patents owned by medical device giant Abbott. *Abbott Diabetes Care Inc. v. Dexcom Inc.*, 1:21-cv-00977 (D. Del., filed July 1, 2021).

The case is “part of a global patent war between Abbott and Dexcom,” Van Nest said. The two companies are set for another trial in 2025 in Delaware but from opposite sides. Litigation is also going on in Germany, the U.K. and the patent office.

Late last year, Van Nest and his team successfully represented Qualcomm to win a motion to toss out what had been one of the largest consumer class actions ever certified. Plaintiffs had

claimed that the chipmaker imposed an excessive royalty on key cellphone chips, which was then passed on to as many as 250 million cellphone buyers. They sought \$5 billion in damages.

The 9th Circuit reversed the class certification in September. This past September, a trial judge granted summary judgment in favor of the company. In *Re: Qualcomm Antitrust Litigation*, 3:17-md-02773 (N.D. Cal., April 6, 2017).

Last month, he argued to overturn a \$20 million patent verdict against Google involving the company’s Nest thermostat device. *EcoFactor Inc. v. Google LLC*, 6:20-cv-00075 (W.D. Tex., filed Jan. 31, 2020).

He is scheduled to lead yet another trial in October, this time in a copyright case. He represents Real Intent, which makes powerful software used in designing computer chips and integrated circuits. Its larger competitor, Synopsis, claims some of Real Intent’s software infringes copyrights it holds in commands users must enter to operate Synopsis software. *Synopsys Inc. v. Real Intent Inc.*, 5:20-cv-02819, (N.D. Cal., filed April 23, 2020).

Van Nest is dubious. Examples of the challenged commands are “create file” and “set clock time.”

“These commands are not copyrightable in the first place,” he said.

— DON DEBENEDICTIS