



Erick C. Howard

PARTNER

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AREAS OF EXPERTISE

Litigation, Intellectual Property, Copyrights, Trademarks, Construction

Overview

Mr. Howard is a partner in the Firm's Litigation Department and head of the Firm's Trademark Prosecution Practice. Mr. Howard's primary expertise is in intellectual property litigation (including patents, trademarks, copyrights, trade secrets, computer law and the protection of technology), contract disputes, business torts and other business litigation.

Mr. Howard also has substantial experience related to technology transactions. Mr. Howard has drafted and negotiated licensing, development, strategic alliance, joint venture and other Internet and technology-related agreements. He has helped businesses and individuals secure trademarks and copyrights and has provided strategic counseling to clients with respect to doing business on the Internet and protecting their intellectual property rights.

Before joining the Firm, Mr. Howard was an intellectual property litigation associate at Sidley & Austin (now Sidley, Austin, Brown & Wood) in Chicago from 1996 to 2000. Mr. Howard was a technology transactions associate at Cooley Godward LLP in San Francisco from 2000 to 2002.

While at the University of Chicago, Mr. Howard served on the University of Chicago Legal Forum and is the author of "Debating PBS: Public Broadcasting and the Power to Exclude Political Candidates from Televised Debates."

Experience

Helios Software, et al. v. SpectorSoft Corp. Mr. Howard successfully represented the defendant in a multi-million dollar patent infringement dispute related to employee activity monitoring software. The plaintiffs originally asserted infringement of three patents. Two of the patents were found not infringed on summary judgment. The infringement and validity of the third patent were successfully tried to a jury in Delaware district court, the jury returning a verdict of both non-infringement of the patent and invalidity of several of the asserted claims.

Nova Wines, Inc. v. Adler Fels Winery, et al. Mr. Howard represented a Napa Valley wine producer in a trademark and trade dress infringement case against a photographer and a Sonoma wine producer attempting to introduce wine products using the image and likeness of Marilyn Monroe in violation of the client's trade dress rights in such images. Mr. Howard successfully obtained preliminary injunctive relief on behalf of the client in a case-of-first-impression decision by the federal district court holding that images of celebrities may constitute valid and protectable trademarks and trade dress.

Concrete Washout Systems, Inc. v. Minegar Environmental Systems, Inc. Mr. Howard represented a construction company in a trade secrets misappropriation and patent infringement case concerning inventions related to the disposal of concrete washout waste. Mr. Howard obtained summary judgment in favor of the client, defeating the plaintiff's claims.

Fair v. Bakhtiari, et al. Mr. Howard successfully represented the defendants in a contract and breach of fiduciary duty case that resulted in the California Supreme Court issuing a decision upholding important aspects of confidential communications in mediation. The Supreme Court voted 7-0 to overturn a unanimous decision in the California Court of Appeal, and return the case to the trial court. The case was tried successfully in 2008, defeating a claim of \$14 million and recovering property rights for our clients worth \$5 million.

Rabobank v. National Westminster Bank. Mr. Howard represented NatWest (formerly National Westminster Bank and now owned by Royal Bank of Scotland) in a claim by a major Dutch bank for approximately \$200,000,000, involving litigation both in England and California. The case was defended successfully at trial in England, with

full “indemnity” fees of approximately \$25 million awarded to our client after trial.

Simpson Strong-Tie Company, Inc. v. Stewart, Estes & Donnell. Mr. Howard represented construction manufacturing client in a case resulting in a first-impression, landmark decision in the Tennessee Supreme Court regarding lawyer advertising and defamation.

Designer Jeans Trademark Disputes. Mr. Howard has successfully defended manufacturers of high-end denim jeans against claims of trademark infringement asserted by a well-known denim jeans manufacturer.

Publications/Speaking

Mr. Howard has appeared at various speaking engagements which include:

“How to Win a Trade Dress Case After Apple v. Samsung,” San Francisco Intellectual Property Law Association (SFIPLA), December 2016

“Protecting Product Designs Through Overlapping IP,” Webinar, ABA Section of Intellectual Property Law Webinar, April 2014.

“The Blonde, the Red Shoe, and the Round-Cornered Rectangles: Debating the Frontiers of Trade Dress Law,” ABA Section of Intellectual Property Law Annual Conference, April 2013.

“Identifying Anonymous and Pseudonymous Speakers in Litigation Through Internet Service Providers,” ABA Annual Meeting, Section of Litigation

“Intellectual Property Primer,” California Lawyers for the Arts Seminars

5.18.20 / Media

Hurricane Protection Straps Suit Blown Out Of Court

Professional Activities

Mr. Howard is a member of the Bar Association of San Francisco’s Board of Directors, a member of the Association of Business Trial Lawyers, a member of the Charles Houston Bar Association, and the American Bar Association (“ABA”). He is also a member of the Board of Directors of the CORO Center For Civic Leadership. Mr. Howard was previously a Lawyer Representative for Northern District of California, Vice-Chair of the ABA’s Section of Intellectual Property Law Trademark Litigation Committee, as well as Co-Chair of the ABA’s Section of Litigation, Intellectual Property Litigation Committee.

Education

Northwestern University

B.S. in Political Science, Phi Beta Kappa

University of Chicago Law School

J.D.

Admissions

California State Bar

All California State Courts

U.S. District Court for the Northern, Eastern and Central Districts of California

Northern District of Illinois

Eastern District of Texas

Ninth Circuit Court of Appeals