



# Will Melehani

## Senior Associate

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Unencumbered by tradition and undaunted by technology, Will brings a fresh approach to IP litigation.

### Practice Areas

- Intellectual Property

### Honors

- Associate Editor of *Berkeley Technology Law Journal*, 2010

### Education

- J.D., University of California, Berkeley School of Law, 2012
- B.S., Genetics, University of California, Davis, 2008

By delving into each case's complexities and elegantly connecting those details to a broader technical perspective, Will unravels his opposition's argument.

Will uses this approach to defend cutting edge computer, Internet and software companies with great success, having prevailed in numerous subject matter eligibility challenges. Will also draws upon his broad knowledge of Federal Circuit cases to ensure his strategy will withstand appeal. When his cases are challenged, Will plays a key role in writing and arguing the appellate briefs. Whether handling patent, trademark or trade secrets matters, Will's creative methodology gives his clients a unique advantage.

Will is also an enthusiastic participant in Orrick's pro bono efforts, and has obtained successful results for several disadvantaged and low-income pro bono clients.

### Representative Engagements

- ***Wi-LAN, Inc. v. Leading Technology Company.*** – Will served as a key member of the appellate team that obtained victory on behalf of our client. The Orrick team prevailed on both Wi-LAN's appeal and our client's cross appeal, resulting in the asserted wireless communications patent being ruled not infringed and invalid.
- ***Good Technology Corp. v. MobileIron, Inc.*** – Will was part of a trial team that successfully defended MobileIron in a patent infringement lawsuit brought by Good Technology Corporation involving mobile device management technology. He contributed extensively to pre-trial briefing which substantially narrowed the scope of potential liability and damages in the case. After a two-week trial in the Northern District of California, a jury returned a complete defense verdict, finding that MobileIron did not infringe any of Good Technology's patents and that several of Good Technology's patents were invalid.
- ***Recognicorp, LLC v. Nintendo Co., Ltd.*** – Will served as the principal drafter of a successful pre-claim construction motion on the pleadings for Nintendo, resulting in the plaintiff's software patent being ruled ineligible under Section 101 of the Patent Act. Will then retrained primary drafter responsibilities in defending the order on appeal before the United States Court of Appeal for the Federal Circuit. Will served as second chair during the oral argument. The Federal Circuit sided with Nintendo and fully affirmed the order. Will also assisted with the successful

opposition to Recognicorp's attempt to seek en banc review.

- ***RBIDR, LLC v. Airbnb, Inc.*** – Will served as the principal drafter of a motion to dismiss RBIDR's software patent infringement claims under Section 101 of the Patent Act. Following the filing, the parties settled favorably.
- ***Clear with Computers, LLC v. Dick's Sporting Goods, Inc.*** – Will served as a member of a joint defense team that successfully obtained a judgment that the asserted e-commerce patent was ineligible under Section 101 of the Patent Act. He also worked on the case's appeal, which settled favorably after the defendants filed their responsive brief.
- ***Colony American Finance, LLC v. El Wakeel*** – Will served as a member of a team that obtained a temporary restraining order against two former employees to prevent them from utilizing Will's client's customer information. Will also successfully compelled the employees' counterclaims into arbitration. During the case, Will took primary responsibility of working with the forensic technical experts to develop the evidence of misappropriation used to support the successful application for a temporary restraining order.
- ***Scat Enterprises, Inc. v. FCA US LLC*** - Will represented Scat Enterprises in a trademark infringement litigation. Will worked closely with expert witnesses and was responsible for briefing, expert reports, and several expert depositions. The case ultimately settled.
- ***Lotes Co. Ltd. v. Foxconn Electronics, Inc.*** - Will played a significant role in the discovery, briefing, expert reports and overall case strategy in a patent infringement and breach of contract lawsuit between client Foxconn and Lotes. During the case, Will presented at hearings, took depositions, and prepared witnesses and examinations for an evidentiary hearing for Foxconn's summary judgment motion. After inheriting the case from several other law firms, Will and the Foxconn team were able to improve the client's position and negotiate a favorable settlement following the evidentiary hearing.
- ***Poynt Corp. v. Innovi Inc.*** - Will represented Poynt Corp. in asserting trade secret and breach of contract claims against a former contract manufacturer after it transitioned into a direct competitor marketing a competing product. The case settled favorably.
- ***Regents of the University of Minnesota v. Ericsson, Inc.*** - Will is serving on the appellate team seeking to preserve Ericsson's win before the PTAB, which ruled that state universities waive their immunity from IPRs when they first assert the challenged patents in district court.
- ***Limestone Memory Systems, LLC v. Micron Technology, Inc.*** - Will is representing Micron and its customers against allegations of patent infringement brought by a non-practicing entity.

## Admissions

- California

## **Court Admissions**

- **United States District Courts** | Central District of California
- **United States District Courts** | Northern District of California
- **United States District Courts** | Eastern District of Texas
- **United States Courts of Appeals** | Federal Circuit