

Partner

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Practice Areas

- IP Litigation
- Litigation

Education

- UCLA School of Law (J.D., 1993), Order of the Coif
- University of Pennsylvania (The Wharton School) (B.S., Economics, 1990), *cum laude*

News

- Irell Secures Complete Victory for Novellus Systems after Eight-Year Legal Battle



Jonathan S. Kagan

Jonathan Kagan is a partner in the Los Angeles office of Irell & Manella LLP, where he is a member of the litigation and intellectual property practice groups. He has served on the firm's Executive Committee since 2006.

Mr. Kagan's practice focuses on the litigation of complex intellectual property disputes, with particular emphasis on patent litigation. In 2008, the *Los Angeles and San Francisco Daily Journal's* recognized Mr. Kagan as one of California's leading patent litigators. Mr. Kagan also has significant experience litigating and counseling clients in other areas of intellectual property, including trademark and copyright.

Mr. Kagan is a past president of the Century City Bar Association. He also serves on the Editorial Advisory Board of NITA (the National Institute for Trial Advocacy), and is a Member of the Board of Governors of the Los Angeles Chapter of the Association of Business Trial Lawyers. He is a frequent lecturer on the litigation of complex commercial and intellectual property disputes.

Mr. Kagan has since 2004 consistently been recognized by *Los Angeles Magazine* as a Southern California "Super Lawyer" in intellectual property litigation. He is also recognized as one of the leading lawyers in the U.S. in *The Legal 500 US* guide. In 2009, Mr. Kagan was selected for inclusion in California's *Who's Who Legal*, the strategic legal partner of the ABA section of International Law. He has also been selected for inclusion in *The Best Lawyers in America* in 2010 and 2011.

Mr. Kagan graduated from the Wharton School of the University of Pennsylvania, *cum laude*, with a B.S. in Economics in 1990. He received his J.D. from the UCLA School of Law in 1993, where he was elected to the Order of the Coif, and served as an editor for the *UCLA Law Review*.

Jonathan S. Kagan (continued)

Representative Matters

Juniper Networks v. Toshiba America Information Systems. Mr. Kagan has represented Juniper Networks in a number of intellectual property matters, including this protracted patent infringement dispute with Toshiba. In response to a motion filed by Juniper Networks shortly before trial, the Court issued a sanctions order against Toshiba that, among other things, barred Toshiba from calling its expert witness on non-infringement and severely limited Toshiba's time for its opening statement and closing argument. The case settled in late 2007, shortly after the Court issued the sanctions order.

Ultratech Stepper v. ASML. Mr. Kagan served as trial counsel for ASML, one of the world's leading suppliers of semiconductor manufacturing equipment, in this patent infringement case. While both of ASML's competitors (who were initially co-defendants in this action) entered into substantial settlements with the plaintiff, ASML elected to litigate. After a four-week trial – and with less than one day of deliberation – the jury found the plaintiff's patent invalid on multiple grounds. The Federal Circuit affirmed the jury's verdict in its entirety. The *Los Angeles* and *San Francisco Daily Journal's* recognized this victory as one of the top ten defense verdicts of 2005.

Aviza Technology v. ASML. Mr. Kagan served as lead counsel for ASML in this arbitration, in which the claimant accused ASML of fraud and negligence. After a one-week hearing, the Arbitrator found in favor of ASML on all causes of action, and determined that ASML was entitled to recover its litigation expenses, including attorneys' fees.

Sharper Image v. Ionic Pro. Mr. Kagan defended a patent and trademark case brought by Sharper Image against retailers and manufacturers of air purifiers that competed against its flagship "Ionic Breeze." This case settled after Sharper Image's claims of trade dress and design patent infringement were dismissed on summary judgment.

Stac Electronics v. Microsoft. Mr. Kagan represented Stac Electronics, a small software company, in a patent infringement suit it brought against industry giant Microsoft. After an extensive trial, the jury awarded Stac Electronics \$120 million in patent damages. Stac also obtained a worldwide injunction against the sale of Microsoft's operating system.

Novellus Systems v. Applied Materials. Mr. Kagan represented Novellus Systems, a manufacturer of semiconductor manufacturing equipment, in a patent infringement lawsuit filed against it by industry-leader Applied Materials. Over a period of seven years, each of the patents Applied Materials had asserted against Novellus was declared invalid, held not to be infringed, or withdrawn from the case. The parties then reached a settlement of the case, which involved a payment from Applied Materials to Novellus.