



2021 TOP INTELLECTUAL PROPERTY LAWYERS

William A. Delgado

An undergraduate degree in electrical engineering sparked William A. Delgado's interest in intellectual property litigation.

"In law school, patent law was a natural fit for me given my engineering background, and I cut my teeth litigating patent cases," Delgado said.

The partner at DTO Law in Los Angeles enjoys the challenge the cases pose, especially when they involve a client accused in federal court of patent and trademark infringement.

Delgado represents one of two fierce competitors in a niche market. The companies sell ecologically-friendly reusable filters for single-serve Keurig or similar coffee machines and have engaged in contentious legal battles over their patents and trademarks for years.

Following a five-day jury trial in the Western District of Washington in 2018, Delgado's client, Adrian Rivera Maynez Enterprises, or ARM, was found to have infringed one of competitor Eko Brands LLC's patents.

But the jury stopped short of deciding the infringement was willful, and the district judge declined to award Eko enhanced damages to the tune of \$5 million. Instead, he awarded the company \$192,000 in compensatory damages and \$69,000 in attorney fees.

On cross-appeal in the U.S. Court of Appeals for the Federal Circuit, Delgado defended against Eko's claim that the district judge improperly instructed the jury on willfulness.

The three-judge panel's January 2020 finding that "the instruction taken as a whole provides reasonable clarity as to the correct test for willful infringement" was significant, Delgado said, because it affirmed the jury's minimal

damages award. *Eko Brands LLC v. Adrian Rivera Maynez Enterprises Inc. et al.*, 18-2215 (Fed. Circ., filed Jan. 13, 2020).

"The biggest downside that we faced going into that appeal was the possibility that the federal circuit could conclude that the jury instruction was erroneous and then remand the issue of willfulness, which would have kind of reopened the damages calculation and then reopened the door on a possibility of a much larger attorney fee award," Delgado said.

"So the fact that we could convince the federal circuit that jury instruction was appropriate kept the door closed on all of that," he added.

Delgado also represents ARM in the 9th U.S. Circuit Court of Appeals in a trademark infringement case that Eko won last year in the Western District of Washington.

Though he didn't handle the trial, he's challenging a \$650,000 verdict and a permanent injunction that prevents ARM from using certain words and designs on several of its products, including reusable filter cartridges and cleaning tablets.

The case is currently being considered for oral argument this summer. *Eko Brands LLC v. Adrian Rivera Maynez Enterprises et al.*, 20-35369 (9th Circ., filed April 30, 2020).

"I enjoy litigating these cases because they tend to involve very interesting subject matter, such as developing technology or creative ideas," he said. "And also, it's an area where the law is still developing so I get to play a role in that development."



DTO LAW
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SPECIALTIES:
Patent, Trademark
Litigation

— Tyler Piolet