

John V. Picone III

Shareholder

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- **Industries**

- Technology

- **Services**

- Intellectual Property Litigation
- Litigation & Trial Practice
- Intellectual Property
- Litigation
- Data Privacy & Security

Overview

John V. Picone III is the Co-chair of Hopkins & Carley's Litigation Department and Chair of its Intellectual Property Litigation Practice. He is a trial lawyer with a primary focus on complex litigation cases, including:

- Patent
- Trademark
- Copyright
- Trade secrets
- Tech-centric civil and criminal litigation

John has significant experience with a wide variety of technologies, such as semiconductors, software and programming languages, encryption, cellular/wireless, mining equipment and processes, avionics, optics and e-commerce.

Prior to joining Hopkins & Carley, Mr. Picone was a Principal in the Intellectual Property Practice Group at Fish & Richardson P.C. and was the firm's National Pro Bono Chair.

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He also served as an extern for the Honorable Leslie J. Tchaikovsky, Ninth District Bankruptcy Court (1994), was a San Benito County Panel Public Defender (2000-02), lead special prosecutor, San Benito County District Attorney's Office (2002-09), and Special Counsel for the Santa Clara County Public Defender (2015-Present). His other experience includes decorated military service of more than twenty years as a Naval Aviator stationed at the Naval Air Station, Moffett Field, California, flying the U.S. Navy's P-3 "Orion" aircraft.

Experience

- *PACE Anti-Piracy v. Inside Secure* (Encryption software)
- *Broadcom v. SpaceX* (Satellite Internet RFICs)
- *Sada v. Verifone* (e-commerce payment systems)
- *Applied Micro Circuits Corporation v. LSI* (System-on-Chip architecture)
- *e.Digital v. Patriot Memory* (Flash memory)
- *Fresenius v. QMS Software* (Dialysis software)
- *Profectus Technology v. Huawei Technologies* (Digital picture frames)
- *FLSmidth v. Beumer Corp.* (Trademark infringement)
- *DCG Systems v. Checkpoint Technologies* (Optical semiconductor inspection equipment)
- *Brandywine v. BAIS* (DSL technology)
- *EON v. U.S. Cellular et al.* (Wireless data & voice technology)
- *K&N v. Spectre Racing* (Automotive air intake & filtration systems)
- *Metso Minerals v. FLSmidth* (Mineral processing equipment)
- *Trek v. Patriot Memory* (USB memory)
- *Uniloc v. Unity SF et al.* (Product activation software)
- *Tessera v. Patriot Memory* (DRAM)
- *Krebs Engineers v. Cooper Cameron et al.* (Cyclonic material separators)
- *Callaway Golf v. Acushnet* (Multi-layer golf balls)
- *AVID Mktg., Inc. v. Banfield et al.* (RFID)
- *Data Encryption Corporation v. Microsoft* (Kernel-based operating system encryption)
- *HyperPhrase Technologies v. Microsoft* (Office XP "smart tags")
- *Honeywell International, Inc. Sandel Avionics, Inc.* (Avionics hardware & software)
- *Wentworth Laboratories v. Probe 2000* (Cobra-head IC tester assemblies)
- *Measurement Computing Corporation National Instruments/SoftWIRE Technology* (Graphical programming)
- *Cognex Corp. v. National Instruments Corp.*

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(Machine vision hardware & software)

- *Genesys Telecommunications Laboratories v. Kana Communications* (e-CRM software)

Insights

Publications

- "Out In The Cold: Individual Inventors and Patent Reform", Daily Journal, Feb. 2014
- "Trade Secret Litigation and Protection in California", California Bar Association Press, 2005 and 2011
- "Anecdotal Evidence Shows Both Success and Failure with AFAs", Of Counsel, December 2016

Professional Activities

- San Jose State University Global Leadership Advancement Center, Board Member
- Intellectual Property Section of the Santa Clara Bar Association, Executive Committee, 2004-Present
- Labor and Employment Section of the Santa Clara County Bar Association, Executive Committee, Board Member 1996-2000
- Easter Seals of the Central Coast of California, Member of the Board of Directors 1996-2004

Bar Admissions

- State Bar of California (1996)

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern and Eastern Districts of Texas

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- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the Ninth Circuit

Education

- J.D., Santa Clara University, Emery Scholar, B.T. Collins Scholar, Santa Clara Law Review
- M.A. (summa cum laude), Political Science, San Jose State University, Pi Sigma Alpha
- B.A. (Faculty Honors), Philosophy, Trinity College (Connecticut)