



Benjamin C. Elacqua

Principal

Houston

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Overview

Benjamin Elacqua is sought-after lead counsel for global intellectual property disputes and a co-leader of Fish's standard essential patents (SEP) practice. He handles all phases of complex litigation and regulatory investigations, including multijurisdictional parallel proceedings in U.S. district courts and at the U.S. International Trade Commission.

An accomplished first-chair trial lawyer, Ben has tried cases all over the country, including Texas, California, Illinois, and D.C. He is particularly adept in handling cases involving telecommunications, computer software, computer hardware, medical devices, chemistry arts, mechanical products, and consumer products. Ben's notable clients include Chamberlain Group, LLC, for whom he has tried seven cases in district courts and before the ITC.

Ben takes a holistic approach to litigation. He gains a thorough understanding of the client's business, products, and technology and then leverages that knowledge to explain complex problems simply, identify future challenges, provide strategic analyses and insights for the client's competitive advantage, and deliver results in and out of the courtroom.

At the ITC, Ben represents both complainants and respondents in trials and post-trial proceedings, and he regularly achieves successful results in ITC matters. In addition, Ben has achieved outstanding results relating to design-arounds before U.S. Customs & Border Protection and the Court of International Trade.

Ben is considered a pioneer in the technically and legally challenging area of SEP/FRAND licensing and litigation. He has led multiple trials related to SEPs, including developing and executing strategies for the largest worldwide litigations regarding cellular SEPs. As 5G, Wi-Fi, HEVC, and other standards technologies continue to redefine the field of patent litigation, clients rely on Ben as a go-to strategic advisor. In addition to serving as lead litigation counsel, Ben advises a broad range of companies on SEP/FRAND diligence and licensing, as well as ways to help clients avoid litigation entirely.

Ben is actively involved in the community, teaching a high school mock trial class and regularly attending youth sports. His pro bono practice includes work on immigration, prisoner advocacy matters, and trusts and estates.

Experience

For longtime client Chamberlain Group, LLC, Ben has tried more than seven cases over the course of 12+ years, including:

- Obtaining a \$43 million jury verdict for Chamberlain against Overhead Door as lead counsel in a U.S. District Court for the Eastern District of Texas patent infringement case related to garage door openers.
- Securing a permanent injunction, treble damages, and attorneys' fees for Chamberlain as co-lead counsel in a matter before the

U.S. District Court for the Northern District of Illinois. Those enhanced results followed a jury verdict finding willful infringement.

As the firm's designated relationship partner for a Fortune 10 consumer electronics company, Ben has tried multiple cases, including coordinating and helping develop the litigation strategy for an epic global royalty and patent dispute with Qualcomm. Ben was also global counsel and lead counsel in the ITC for the same client in a global, years-long patent and contract dispute against Ericsson. The parties ultimately reached a licensing agreement after two ITC trials and a district court trial.

Ben served as co-lead counsel in an ITC investigation involving both utility and design patents, securing a general exclusion order against a number of foreign manufacturers who were importing large numbers of infringing electronic head shaver consumer products into the U.S.

Not all significant results are secured before the courts. Ben helps clients avoid potentially expensive litigation through proactive counseling, including in areas such as SEP/FRAND disputes surrounding emerging smart-home technology, the Internet of Things (IoT) — and the evolving SEP/FRAND legal environment.

Recognitions & awards

Best Lawyers in America

Best Lawyers 2021-2027

Smart Tech Law Trailblazers

National Law Journal 2023

Super Lawyers

Super Lawyers 2017-2020

Litigator of the Week

Litigation Daily 2018

Rising Star

Super Lawyers 2013-2016

Professional associations

Planning Committee, Eastern District of Texas Bench and Bar Conference (2012-present)

Global Fellow, Federal Circuit Bar Association (2018-2019)

Appointed by (former) Chief Judge Davis of the Eastern District of Texas to serve on a special five-person committee of former EDTX law clerks (2013-2018)

Member, Houston Intellectual Property American Inn of Court (2014-2017)

Insights

Blog | September 23, 2026

Building the IP Moat: Maximizing Technology Value on the Path to IPO

Fish & Richardson

Blog | August 25, 2026

UK Supreme Court Allows Tesla to Challenge Avanci's 5G SEP Platform Rate

Fish & Richardson

Webinar | May 19, 2026

Building the IP Moat: Maximizing Technology Value on the Path to IPO

Blog | April 15, 2026

USPTO, DOJ Statement of Interest Supports Injunctive Relief

Fish & Richardson

Blog | January 9, 2026

5 in '25: Standard Essential Patents

Fish & Richardson

Blog | December 31, 2025

USPTO Launches SEP Working Group

Fish & Richardson

Webinar | December 17, 2025

2025 SEP Year in Review

Webinar | November 20, 2025

ITC General Exclusion Orders: A Remedy for “Whack-a-Mole” Infringement

Blog | September 3, 2025

Standard Essential Patent FAQs

Fish & Richardson

Article | August 1, 2025

Analyzing SEPs: Strategies for Licensing Negotiations

The Licensing Journal

News

News | August 20, 2026

75 Fish Attorneys Recognized in 2027 Edition of *The Best Lawyers in America*

Media Coverage | May 13, 2026

Principal Benjamin Elacqua Weighs in on ITC Redesign Trends Following Federal Circuit Decision

MLex

Media Coverage | January 20, 2026

Principal Benjamin Elacqua Provides Perspective on USPTO’s Standard Essential Patent Strategy

Law360

Media Coverage | September 15, 2025

Co-Leaders Benjamin Elacqua and Christina McDonough on the Vision Behind Fish & Richardson’s Standard Essential Patents Practice

MLex; Law360; ManagingIP; World IP Review

News | September 8, 2025

Fish & Richardson Appoints Trailblazers in Standard Essential Patents to Lead Global Practice

News | August 20, 2025

95 Fish Attorneys Included in the 2026 Edition of *The Best Lawyers in America*

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

Media Coverage | June 4, 2024

Navigating the SEP Landscape: Insights from Principal Benjamin Elacqua

Managing IP

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | April 3, 2023

Fish & Richardson Principal Benjamin Elacqua Recognized by the *National Law Journal* as a Smart Tech Law Trailblazer

News | January 30, 2023

Fish & Richardson Wins \$43 Million Jury Verdict for the Chamberlain Group

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

Media Coverage | September 12, 2019

The Changing Landscape of Fair, Reasonable and Non-Discriminatory (FRAND) Litigation

Corporate Counsel Business Journal

News | June 4, 2018

Fish & Richardson Wins Permanent Injunction, Treble Damages, and Attorneys' Fees for the Chamberlain Group

News | September 7, 2017

Fish & Richardson Wins Jury Verdict for Chamberlain Group

News | May 19, 2016

Five Fish & Richardson Attorneys Highlighted on 2016 Texas Super Lawyers List

Events

June 24, 2025

ACPC Summer Meeting 2025

Association of Corporate Patent Counsel

October 17, 2018

EDTX Bench Bar Conference 2018

Eastern District of Texas Bar Association

April 27, 2018

12th Annual Patent Law Institute

Practicing Law Institute

February 25, 2015

VALCON 2015

American Bankruptcy Institute

October 22, 2014

Bench Bar Conference 2014

Eastern District of Texas Bar Association

October 30, 2013

Bench Bar Conference 2013

Eastern District of Texas Bar Association

February 22, 2013
14th Annual Intellectual Property Law Symposium
UT Texas

December 6, 2012
Claim Construction Re-Set
All Hands Meeting 2012

Additional insights

Publications

- "Arbitration: A Way to Advance Patent Litigation During the COVID-19 Crisis" *Fish & Richardson* (April 2020)
- "Litigation – Musical Chairs in Patent Venue: The Practical Implications of TC Heartland," *Practicing Law Institute (PLI) 12th Annual Patent Law Institute* (April 2018)
- "Trends in Licensing Deals and Other IP Transactions," *Duff & Phelps IP Value Summit* (October 2017)
- "IP Strategy and Recent Trends in the High Tech World," *Duff & Phelps IP Value Summit*, Half Moon Bay, California (October 2017)
- "Impact of the Supreme Court on Patent Enforcement," *BloombergBNA Seminar* (March 2015)
- "Valuation of Intellectual Property (and Beyond)," *VALCON 2015* (February 2015)

Speaking engagements

- "Talk Slowly, Think Quickly: Lessons on Trial Presentation," *EDTX Bench Bar Conference* (October 28, 2022)
- "Litigation – Musical Chairs in Patent Venue: The Practical Implications of TC Heartland," *Practicing Law Institute (PLI) 12th Annual Patent Law Institute* (April 2018)
- "Trends in Licensing Deals and Other IP Transactions," *Duff & Phelps IP Value Summit* (October 2017)
- "IP Strategy and Recent Trends in the High Tech World," *Duff & Phelps IP Value Summit*, Half Moon Bay, California (October 2017)
- "Impact of the Supreme Court on Patent Enforcement," *Bloomberg BNA Seminar* (March 2015)
- "Valuation of Intellectual Property (and Beyond)," *VALCON 2015* (February 2015)

Media mentions

- ["So many doors opening": US firms expect boom in SEP work,](#) *Managing IP* (June 4, 2024)
 - ["Fish & Richardson Cashes in as Big Tech's Go-To Trial Law Firm,"](#) *Bloomberg Law* (April 27, 2023)
 - ["How Counsel Build and Buttress Collaboration With Colleagues,"](#) *Managing IP* (April 22, 2022)
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Services

Litigation
ITC Litigation & Section 337
Standard Essential Patents
Patent Litigation
Trademark, Copyright & Media Litigation
Trade Secret Litigation
Appellate
Post-Grant
IP Licensing, Transactions & Agreements

Industries

Electrical & Computer Technology

Software & Internet
Digital Health
Digital Media & E-Commerce
Financial, Business & FinTech Services
Telecommunications
Energy & Chemicals
Petrochemical
Life Sciences
Medical Devices
Transportation, Aerospace & Defense
Manufacturing

Admissions

Massachusetts (2005)
Texas (2006)
U.S. Court of Appeals for the Federal Circuit
U.S. District Court for the Eastern District of Texas
U.S. District Court for the Southern District of Texas
U.S. District Court for the Western District of Texas
U.S. District Court for the Northern District of Illinois

Clerkships

U.S. District Court for the Eastern District of Texas, The Honorable Ron Clark (2004-2006)

Education

J.D. *magna cum laude*, Suffolk University Law School (2004) Editor-in-Chief, *Journal of High Technology Review*
B.A., Liberal Arts, Colorado State University (1999)