




Betty H. Chen

Principal

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Overview

Highlights

- A top-performing litigator who regularly handles high-stakes and high-profile patent, trade secret, antitrust, breach of contract, and fraud lawsuits, among other matters.
- Clients range from startups to multinational, Fortune 100 companies whose products include pharmaceuticals, medical devices, 5G wireless network technologies, smartphones, hardware, software, and other products powering the global information and technology economy.
- Serves as global hiring principal across the firm's 14 offices in the U.S., Germany, and China.

About Betty

Betty is an innovative, zealous trial attorney whose extensive courtroom experience, legal acumen, and deep understanding of the technologies that underlie her clients' products enable her to successfully resolve and litigate bet-the-company cases. In proceedings across the country, her sophisticated legal strategies have helped numerous clients win summary judgments and jury verdicts, negotiate favorable settlements, or achieve the voluntary dismissal of plaintiff claims in multimillion-dollar disputes. Known for her collegiality and communication skills, Betty maintains a sharp eye on her clients' goals and budgets at every step of the litigation process.

Betty has represented clients from across the spectrum of industries, with a focus on multinational pharmaceutical, life sciences, and technology companies whose products include 5G wireless communication infrastructure, software and applications, medical devices and parts, semiconductors, hardware, consumer electronics, and other cutting-edge technologies. Her experience in dispute-resolution forums is equally diverse; she has successfully tried matters in U.S. district courts and state

courts across the U.S., before the U.S. International Trade Commission (ITC), and in arbitration and other alternative dispute resolution (ADR) proceedings.

Among other matters, Betty has served as lead counsel in Hatch-Waxman, trade secret, antitrust, breach of contract, fraud, and patent cases, including standard-essential patents (SEP) and fair, reasonable, and non-discriminatory (FRAND) licensing litigation.

Betty is the recipient of the American Bar Association's 2020 "On the Rise" award, given to members of the organization who have demonstrated a broad range of high achievement, innovation, vision, leadership, and service to the profession and community. She was also named a 2022 "Top IP Lawyer" by the *Daily Journal* and selected for inclusion in *IAM's* 2021 Patent 1000 list and *Managing IP's* 2022 list of "IP Stars." These most recent honors are the latest in a series of accolades from organizations and publications such as *Profiles in Diversity Journal*, *Legal Momentum*, the National Asian Pacific American Bar Association (NAPABA), the *Silicon Valley Business Journal*, *Super Lawyers*, and more.

Betty is a sought-after panelist and moderator regularly asked to discuss emerging issues in patent litigation and intellectual property law. She is also an active member of a number of legal organizations, including the Asian Law Alliance, the Asian Pacific Bar Association of Silicon Valley, and NAPABA.

The first minority woman to serve as Fish's global hiring principal, Betty is helping advance the firm's commitment to building and sustaining an inclusive workforce. She also serves on the firm's diversity committee and was Fish's 2016 Leadership Council on Legal Diversity Fellow. In the community, Betty regularly provides pro bono counsel for Kids in Need of Defense, an organization that helps unaccompanied immigrant children navigate asylum and immigration proceedings and find refuge in the U.S.

Focus Areas

Services

- Litigation
- Commercial Litigation
- ITC Litigation
- Patent Litigation
- Trade Secret Litigation

Industries

- Standard Essential Patents

Education

J.D., University of Texas Law School (2006)

B.S., Business, University of Southern California (2003)

Experience

Represented a Fortune 50 consumer electronics manufacturer in three Eastern District of Texas suits accusing smartphones, computers, TVs, and watches of patent infringement in a dispute with Ericsson Inc. and Telefonaktiebolaget LM Ericsson.

In the Matter of Certain Electronic Devices, Including Wireless Communication Devices, Computers, Tablet Computers, Digital Media Players, and Cameras – Represented a Fortune 50 consumer electronics manufacturer in an International Trade Commission investigation involving six patents.

Sheex Inc. v. Bedgear LLC and Sheex Inc. v. E&E – Represented Sheex in patent infringement suits concerning fabric technology.

Represented a Fortune 50 consumer electronics manufacturer in patent infringement dispute with Memory Integrity LLC concerning multiprocessor systems.

Media Rights Technologies, Inc. v. Microsoft – Represented Microsoft in patent infringement suit concerning digital rights management.

Represented a Fortune 50 consumer electronics manufacturer in patent infringement dispute with PanTaurus LLC related to secure access to computer systems; case settled during discovery.

Represented a Fortune 50 consumer electronics manufacturer in patent infringement dispute with E-Contact Technologies, LLC, involving autocomplete technology; successfully invalidated patent on summary judgment.

EveryScape, Inc. v. Adobe Systems Incorporated – Represented Adobe in patent infringement suit accusing technology in Photoshop; won jury trial of patent invalidity.

Reihanifam v. Fresenius – Represented Fresenius against claims of retaliation, failure to prevent retaliation, wrongful discharge in violation of public policy, breach of contract, and breach of implied covenant of good faith and fair dealing; won jury trial on all claims.

Represented a Fortune 50 consumer electronics manufacturer in patent infringement dispute with Vantage Point Technology, Inc., related to data processing systems; case settled during discovery.

Prism Technologies v. Adobe Systems Incorporated, et al – Represented Adobe in patent infringement action related to activation software; case settled shortly before trial.

Represented a Fortune 50 consumer electronics manufacturer in patent infringement dispute with MicroUnity Systems Engineering, Inc., involving autocompletable technology; case settled shortly before trial.

Ariba, Inc. v. Coupa Software Inc. – Represented Coupa in California state court against claims of misappropriation of trade secrets and conversion; case settled during discovery.

Hagenbuch v. Komatsu America Incorporated – Represented Komatsu against claims of breach of contract and patent infringement involving vehicular technology; case settled during discovery.

MasterObjects, Inc. v. Microsoft Corp. – Represented Microsoft in patent infringement suit related to Internet search and autocompletable technology; case settled during discovery.

InNova Patent Licensing v. Microsoft Corp. – Represented Microsoft in patent infringement suit related to electronic mail messaging technology; case settled during discovery.

Airmid IP LLC v. Terumo Cardiovascular System Corporation – Represented Terumo in patent infringement suit related to technology for cardiopulmonary bypass and cardioplegia; case settled during discovery.

Hubbell Incorporated et al. v. The Watt Stopper, Inc. – Represented Watt Stopper in patent infringement suit involving lighting technology; case settled shortly before trial.

In the Matter of Certain Integrated Circuits, Chipsets, and Products Containing Same Including Televisions, Media Players, and Cameras, 337-TA-709 – Represented Freescale Semiconductor in a three patent International Trade Commission investigation involving semiconductor circuits and packaging technologies.

Insights

Publications

- “Fish & Richardson Obtains Settlement and License Agreement for Skull Shaver in Patent Infringement Dispute with Magicfly,” (April 30, 2021)
- “Keeping Pace with Ever-Evolving Intellectual Property Disputes,” interviewee, *Corporate Counsel Business Journal* (March 2021)
- “Identifying, Developing & Retaining Minority Talent,” *LegalWeek West Coast*, San Francisco (June 13, 2017)
- “Silicon Valley Lawyer Creating Value for Women in STEM,” interviewee, *Profiles in Diversity Journal* (April 2017)

Speaking Engagements

- “COVID-19: Contract Management and Litigation Risk,” *Asian Pacific American Bar Association of Silicon Valley, Webinar* (May 2020)
- “Texas Engineering Law and Ethics,” *San Antonio* (September 2019)
- “Pretrial Practice,” *Litigating Patents Effectively, Stanford Law School* (September 2018)
- “Section 102/103 Invalidity,” *18th Annual Berkeley-Stanford Advanced Patent Law Institute* (December 2017)
- “Getting Your Foot in the Door for Big Law,” National Asian Pacific American Bar Association Convention (November 2017)
- “IP Considerations in Cross-border Deals between China and U.S. Companies,” *Conference of the Chinese American Biopharmaceutical Society* (June 2017)
- “Recent Flip-Flops in Intellectual Property Law,” *Fish L.E.A.D. Event* (September 2017)
- “When the Boys Go Golfing: Bonding, Networking & Promoting Yourself,” *Women in IP & Law Silicon Valley* (June 2017)
- “Judges Panel with NDCA and EDTX District Court Judges,” *17th Annual Berkeley-Stanford Advanced Patent Law Institute* (December 2016)
- “Revisions to the Local Rules, Standing Orders & Thoughts on Timing of PTAB Petitions & Stays Pending *Inter Partes* Review,” *Eastern District of Texas Bench and Bar Conference* (October 2016)
- “Smarter, Faster, Cheaper Technology Dispute Resolutions,” *Association of Corporate Counsel* (September 2016)
- “Next Steps for Next Gen: Practical Ways to Empower Younger, More Diverse Lawyers,” *Fish Webinar Series* (July 2016)
- “Next Steps for Next Gen: Practical Ways to Empower Younger, More Diverse Leadership,” *Federal Circuit Bar Association Bench/Bar Conference* (June 2016)

Media Mentions

- “Skilled in the Art With Scott Graham: Judge Dyk Reflects on 60 Years in Law, Including Two Awaiting Senate Confirmation + Sen. Leahy Marks 10 Years of the AIA With the PTAB Bar Association,” *Law.com* (March 25, 2022)
- “Trade Court Cuts Imports Of Infringing Skull Razors,” *Law360* (March 21, 2022)
- “The Go-To Big Law Firms Behind Apple, Microsoft Patent Victories,” *Bloomberg Law* (December 8, 2020)

Recognition

- Named a “Top IP Lawyer,” *Daily Journal* (2022)
- Named a “Northern California Rising Star” by *SuperLawyers* (2019-2021)
- Named a “Leading Patent Professional” by *IAM Patent 1000* (2021)
- Legal Momentum, “Women of Achievement” (2020)
- American Bar Association, “On The Rise — Top 40 Young Lawyers” (2020)
- *Profiles in Diversity Journal*, “Diversity Leader” (2020), “Women Worth Watching” (2019), “Women Worth Watching in STEM” (2017)
- National Asian Pacific Bar Association, “Best Lawyers Under 40” (2017)
- *Silicon Valley Business Journal*, “Women of Influence” (2017), “40 Under 40” (2016)

Clerkships

U.S. District Court for the Eastern District of Texas, The Honorable Ron Clark, 2006 - 2008

Memberships & Affiliations

Asian Law Alliance, Advisory Board of Directors

Asian Pacific American Bar Association of Silicon Valley

National Asian Pacific American Bar Association

Languages

- English
- Mandarin Chinese