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Q&A With Milbank's Chris Chalsen

Law360, New York (September 24, 2009) -- Christopher E. Chalsen, head of Milbank's intellectual property practice, has practiced IP law, including litigation and licensing of electronic, semiconductor, telecommunications and computer-related patents. His extensive experience includes judge and jury trials, ITC Section 337 cases, appeals to the Federal Circuit, arbitrations and mediations, and all phases of patent/trademark/copyright prosecution in the USPTO and Copyright Office.

Q: What is the most challenging case you've worked on, and why?

A: Actually, two multiselector patent cases pending simultaneously where we were representing two different Japanese companies, one against a Korean company and the other against a Taiwanese company, both dealing with complex technical issues and involving multiple millions of pages of Japanese, Korean and Chinese language production documents and ESI which had to be read, digested, reviewed for deposition and trial prep. It was quite a logistic as well as legal challenge.

Q: What accomplishment as an attorney are you most proud of?

A: Many, but including filing and successfully prosecuting the very first patent infringement case ever filed by Hitachi Limited as a plaintiff in the United States. Also, starting and growing Milbank's IP Litigation Practice.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Patent troll activity in forums bearing no real relation to the cause of action, resulting in high litigation expenses for clients.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Unless the Supreme Court curtails patent protection in this area, business method patent litigation will continue to grow at a fast rate, outnumbering the already busy activity in the pharma and electronics fields.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Chief Judge Howard Markey who was the first chief judge of the U.S. Court of Appeals for the Federal Circuit. His contribution to the patent law will be felt for generations.

I had the good fortune of meeting Judge Markey when he was a guest lecturer for an Advanced Topics in Patent Law class I was taking at George Washington Law School in 1982. He spoke to our class in October of that year, the same month the Federal Circuit went into operation.

Irving Kayton was our course professor. Both were very impressive lawyers and incredibly dedicated to the improving the patent law.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Pick a technical area that is genuinely interesting to you and allow your practice to grow around that technology; always put the client's needs first and be prepared and able to explain the basis for all your recommendations to the client; be crystal clear in your client and court communications; work harder than the other guy; and spend some time on professional bar association activities, committees, etc. so that you can meet and work with fellow IP lawyers from around the world in a professional but more relaxed setting.