

Daily Journal

APRIL 2, 2025

TOP INTELLECTUAL PROPERTY LAWYERS 2025



BETTY CHEN

DESMARAIS LLP

SAN FRANCISCO

Betty Chen's entry into IP law wasn't predetermined. She explored various legal paths before finding her niche.

"I love the nuances of IP law, particularly because it has been ever-changing over the past 20 years: first in the areas of patent damages and claim construction, then in terms of patent eligibility, and now in the intersection of litigation and post-grant review," she said.

A clerkship in the Eastern District of Texas during the mid-2000s proved pivotal for Chen. During this time, the court was emerging as a center for patent litigation, providing her with exposure

to high-stakes IP cases. This experience allowed her to observe skilled IP attorneys translate complex technical concepts for judges and juries.

Unlike many of her peers, Chen doesn't have an engineering or scientific background. "I don't have an engineering degree, and initially, worried that this would be a disadvantage in such a technically-focused field," she noted. "Over time, I've realized that my lack of a technical background is actually an asset."

This perspective has become a strength. Chen has developed methods to immerse herself in unfamiliar technologies, then step back to simplify complex concepts without losing their essence — a valuable skill when presenting to juries and judges without technical expertise.

Chen's recent work demonstrates the strategic complexity of IP litigation. She currently represents a medical device and pharmaceutical company in cases spanning multiple jurisdictions.

"For this client, we have asserted patents, Lanham claims, and unfair competition claims in multiple district courts and before the United States International Trade Commission. These cases stand out in that it shows IP litigation is not always just about fighting in one court — it often involves strategic planning that includes managing litigation in various forums simultaneously," Chen said. "The key takeaway here is that it is important

to approach disputes as exercises in problem-solving, looking for solutions that best serve the client's needs, regardless of whether litigation occurs in a single venue or across multiple jurisdictions."

In another significant case, Chen's client Microsoft filed a declaratory judgment suit after the original plaintiff, MediaPointe, dismissed its case in another district. The strategy resulted in the invalidation of numerous patent claims and a ruling of non-infringement. *Microsoft Corp. v. MediaPointe Inc.*, 2:22-cv-01009 (C.D. Cal., filed Feb. 14, 2022).

"The threat of a patent infringement lawsuit was still very real, despite the dismissal, and it was clear that it wouldn't permanently solve the risk to Microsoft," she said.

Chen continued: "These cases stand out in that it shows IP litigation is not always just about fighting in one court — it often involves strategic planning that includes managing litigation in various forums simultaneously."

Regarding generative AI in legal practice, Chen acknowledges clients' interest in potential efficiency gains. However, she remains cautious, noting that patent litigation involves sensitive data protected by client policies and court orders that prohibit using such information to train AI models. She also points to courts' increasing awareness of "AI hallucinations" — inaccurate outputs that can result from AI tools.