



Kenneth G. Parker

Partner

ken.parker@haynesboone.com

[San Francisco](#) | [Orange County](#)

[+1 949.202.3014](tel:+19492023014)

PRACTICES Intellectual Property Litigation, Litigation, Intellectual Property, Trademark and Advertising, Media and Entertainment Litigation, Copyright, Patent Litigation, Patents, Media, Entertainment and Sports, Sports Law, Advertising, Marketing, and Promotional Law, Trademark Litigation, Medical Device and Technology, Oilfield Technology, International Trade Commission Section 337 Proceedings

Ken Parker is a partner in the firm's Litigation Department and Intellectual Property Practice Group, and is the Head of the firm's [International Trade Commission Section 337](#) Litigation Group. He is a first-chair trial lawyer who focuses on patent, trademark, copyright, trade secrets, and business litigation. He has tried multiple types of cases to verdict in federal court, state court, and other venues, including patent, trademark, and business cases and International Trade Commission Section 337 patent litigation proceedings. Ken has multiple significant jury verdicts, including a recent \$17.5 million verdict in a patent infringement jury trial for his client, Panasonic Holdings Corporation.

Ken's experience includes the following:

- Multiple ITC Section 337 evidentiary hearings and cases, including obtaining and defending against exclusion orders
- Multiple jury trials in patent infringement, trademark infringement and business cases, including multiple multi-million dollar plaintiffs' verdicts and defense victories
- Representation of multiple Fortune 500 and other companies in intellectual property and business disputes

Ken's experience and results have been mentioned in the following publications, among others:

- "A 'top litigator'" who is "phenomenal in front of a jury." *World Trademark Review 1000* (WTR 1000), 2016
- Named a Top IP Lawyer in California, *Daily Journal*, April 19, 2018
- Identified in *The American Lawyer Litigation Daily* for patent-infringement victory in favor of PTS Diagnostics in the International Trade Commission, April 24, 2020
- Adept "in any forum." *IAM Patent 1000*, 2020
- A "full-time litigator with a knack for zeroing in on the matters that are important or sensitive for clients . . . His litigation tactics . . . are always effective." *World Trademark Review 1000*, 2020
- A "courtroom doyen" who is "extremely sharp" and can "identify arguments and strategy very quickly." *World Trademark Review 1000*, 2017
- "[P]ulls out all the stops to ensure that his clients are well protected. He truly shines in competitor litigation." *World Trademark Review 1000*, 2019

- Recognized as securing one of the “Top Defense Results” in California in 2017, *Daily Journal*, February 21, 2018
- “With a profound reservoir of IP litigation know-how backing him up, he brings a level head to heated disputes. His rich trial experience makes his arguments particularly cogent and allows him to deal with a trademark conflict at all levels.” *World Trademark Review 1000*, 2018
- “An experienced federal court litigator with cross-country experience. His experience across a wide range of complex commercial and IP suits has helped him to develop the narrative skills needed to succeed in front of a jury.” *World Trademark Review 1000*, 2015

Ken's work spans across industries, including life sciences (for example, research tools, analytical instrumentation/software, medical devices, diagnostics, biomanufacturing systems, etc.), software (encryption, predictive algorithms, AI); electronics and semiconductors, and consumer products. He prides himself on leading or working with teams to best serve clients, making complex issues understandable for clients, judges, and juries, and obtaining superior results for clients. He handles cases in courts throughout the country, and he is admitted in California, Washington, the federal district courts in California, the Eastern, Western, and Northern Districts of Texas, the District of Colorado, and United State Courts of Appeals for the Federal, Second, and Ninth Circuits.

Ken is AV Peer Review Rated Preeminent by Martindale-Hubbell Law Directory; is included in the *Southern California Super Lawyers*, Thomson Reuters, 2012-present; has been rated as a Patent and Trademark Star, 2017 to present, by *Managing IP Magazine*, Euromoney Institutional Investor PLC; and has been selected as a leading California trademark litigator by *World Trademark Review*, Globe Business Publishing Ltd., 2013-present. He has also been recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation – Intellectual Property and Trademark Law, 2017 to present and *The Best Lawyers in America* named him Orange County's lawyer of the year in Trademark Law in 2017 and in Patent Law in 2020. He was also recently recognized as a leading lawyer in *Intellectual Asset Management (IAM) Patent 1000: The World's Leading Patent Practitioners*, Globe White Page Ltd, 2020, 2022-2024.

Ken is a Master and former President of the Howard T. Markey Intellectual Property Inn of Court, serves as a Board Member and Vice President for the Association of Business Trial Lawyers – Orange County Chapter, serves on the Federal Circuit Bar Journal Committee, and is a member of the International Trade Commission Trial Lawyers Association.

When Ken is not litigating for clients, he enjoys speaking on issues related to trial tactics and approaches as well as substantive legal issues, providing pro bono work for clients recommended by Orange County's Public Law Center, and supporting Orangewood Foundation and the United Way.

Ken received a Bachelor of Business Administration Degree in Management, cum laude, from Texas A&M University – College Station in 1991. He graduated as Vice Chancellor and with high honors, Order of the Coif, from University of Texas School of Law in 1994, where he also served as Articles Editor on the *Texas Law Review*. After he received his Juris Doctorate, Ken served as a judicial clerk for Chief Judge Gerald Bard Tjoflat of the U.S. Court of Appeals for the Eleventh Circuit from 1994 to 1995.

QUALIFICATIONS

EDUCATION

- J.D., University of Texas at Austin School of Law, 1994, high honors; Vice Chancellor; Order of the Coif; *Texas Law Review*: Articles Editor (1992-1994), Outstanding Articles Editor (1994)
- B.B.A., Management, Texas A&M University, 1991, cum laude; University Honors; CBA Fellows Class VIII; Aggie Corps of Cadets (1987-1991), Commanding Officer, Sq. 4 (1990-1991)

ADMISSIONS

- California
- Washington

COURT ADMISSIONS

- U.S. Court of Appeals for the Ninth Circuit
 - U.S. District Court for the Central District of California
 - U.S. District Court for the Eastern 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 Texas
 - U.S. District Court for the District of Colorado
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Past President and Master, Howard T. Markey Intellectual Property Inn of Court
 - Board and Audit Committee Member, Orangewood Foundation
 - Board Member, Association of Business Trial Lawyers—Orange County Chapter
 - Member, Orange County Bar Association
 - American Intellectual Property Lawyers Association
 - American Bar Association
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SELECTED CLIENT REPRESENTATIONS

Patent (Including ITC 337 Proceedings)

- Successfully pursued patent infringement claim based on authentication software. (C.D. Cal.)
- Currently asserting patent infringement in the International Trade Commission on behalf of a manufacturer of blood-test technology. (ITC, S.D. Cal.)
- Successfully defended manufacturer of wireless, Bluetooth™ headsets in the International Trade Commission. (ITC.)
- Pursued complaint in the International Trade Commission against a competitor on behalf of a manufacturer of blood-test technology, obtaining successful settlement by which the competitor ceased importation entirely. (ITC, C.D. Cal.)
- Successfully pursued patent infringement claims on behalf of a maker of turbine inlet chilling technology, including by defending IPRs in front of the Patent Trial and Appeals Board. (M.D. Fla., PTAB)
- Key member of Haynes and Boone team that successfully prosecuting patent infringement claims in multi-district litigation against over ten electric utilities; settled four days before trial. (E.D. Tex., W.D. OK, S.D. Cal.)
- Successfully defended publicly-traded maker of forward-looking infrared technology against claim of patent infringement in both district court and by pursuing IPR (with other Haynes and Boone lawyers). (M.D. Fla., PTAB.)
- Tried case representing a Fortune 1000 company defending claims of patent infringement. In defending damages and willfulness phases of trial, obtained court ruling in defendants' favor on willfulness and obtained \$5 million jury verdict in a case where plaintiff sought more than \$48 million in damages. (C.D. Cal.)
- Represented a patent holder asserting patent infringement of laser-related technology. Successfully settled. (D. Del.)

Worldwide Patent Litigation Coordination

- Currently coordinating enforcement in multiple jurisdictions (European, Asian).
- Coordinated worldwide IP enforcement for major sports brand company.

Trademark and Trade Dress

- Defending baked goods manufacturer in multi-jurisdiction trade dress dispute. (C.D. Cal., N.D. Miss.)
- Obtained an \$8.1 million trademark and trade dress infringement jury verdict for Mixed Chicks, LLC. (C.D. Cal.)
- Obtained seven-figure judgment for Binder & Binder in a trademark infringement case after bench trial; obtained a verdict for the client on all claims, a finding of willfulness, double damages, and a finding that the case was exceptional, resulting in an attorneys' fee award. (97 USPQ 2d 1629, 2011 U.S. Dist. LEXIS 7037 (C.D. Cal. 2011).)
- Defending textile recycler against claim of trademark infringement and dilution. Obtained summary judgment; defending on appeal (C.D. Cal., U.S. Court of Appeals, 9th Circuit.)
- Pursuing trade dress claims against maker of automobile-related product. (W.D. Pa.)
- Advising multiple clients on risk avoidance and defensive measures.
- With partner Richard Rochford, defeated motion for preliminary injunction brought against a publicly-traded company against trademark infringement claims in connection with its retail locations, including by defeating a motion for preliminary injunction. (E.D.N.Y.)
- Successfully defended seller of consumer products against claims of trademark infringement. (S.D.N.Y.)
- Successfully pursued trade dress and copyright claims against maker of household decorative items. (E.D.N.Y.)

Representative Complex Commercial Litigation Experience

- Defending client against allegations of breach of fiduciary duty in connection with sale of business and post-transaction obligations. (Superior Court, County of Ventura.)
- Represented major home developer in jury trial in California Superior Court. (S.D. Superior Ct.)
- Represented plaintiffs in a case tried to verdict in federal court in December 2009. The case settled favorably while the jury deliberated, and in fact the jury returned its verdict to the bench as the parties informed the judge. The judge sealed the verdict and it remains unknown. (C.D. Cal.)
- Represented Phoenix Life Insurance Company in multiple lawsuits in the U.S. District Court, Southern and Central Districts of California, and Superior Courts of California, Los Angeles County and Santa Barbara Counties.
- Represented Phoenix Life Insurance in an adversary proceeding brought by bankruptcy debtor; obtained Rule 12(b)(6) dismissal, without leave, on grounds of res judicata/claim preclusion. (C.D. Cal. Bankruptcy Court.)
- Represented defendant in a RICO action; obtained dismissal, without leave, to amend via Rule 12(c) motion for judgment on the pleadings. (C.D. Cal.)
- Represented a for-profit secondary education company in suit to enforce exclusive dealing clause; defeated defendant's summary judgment motion, in which defendant unsuccessfully argued that the exclusive dealing clause was an illegal covenant not to compete under California law; case successfully settled after the Court's ruling. (C.D. Cal.)
- Represented a major software developer in a lawsuit over a terminated software development project. Handled all phases of trial and preparation, including direct and cross-examination of material witnesses and experts during the ensuing two-month trial. The developer won a \$43 million verdict against the State of California while successfully defending a billion dollar responsive claim. (California Superior Court, Sacramento County.)

- Represented a corporation in a jury trial in which the plaintiff sought specific performance of an alleged oral agreement with a fellow shareholder. Successfully pressed a counter-claim by the corporation for breach of fiduciary duty. Case settled mid-trial. (California Superior Court, Los Angeles County.)
- On behalf of an NYSE-traded client, sued and identified an anonymous poster posting alleged defamatory messages on an investors' board. (California Superior Court, Orange County.)
- Represented an NYSE-traded company in defending allegations that a plaintiff had a partnership interest in the business that the client had acquired. Obtained a complete dismissal of the plaintiff's claims. (California Superior Court, Orange County.)
- Represented a plaintiff pursuing fraud claims against three defendants in connection with their purchase of shares in a closely held company. Handled all phases of that litigation and pursued the final defendant in bankruptcy court, eventually obtaining a non-dischargeable judgment. (California Superior Court, Orange County.)

Trade Secrets

- Defended dental materials company against claims of trade secret misappropriation. (California Superior Court, Orange County.)
- Pursued injunction based on confidential information against former contractual partner of client in educational services industry. (California Superior Court, Orange County.)
- Pursued injunction against high-tech auto-parts maker against former owner. (California Superior Court, Orange County.)

Copyright Litigation

- Successfully enforced copyrights on behalf of consumer products company. (C.D. Cal.)
- Pursued copyright infringement and idea theft claims on behalf of vendor against for-profit hospital; case successfully settled. (California Superior Court, Orange County.)
- Defended web design company against claims of copyright infringement arising out of use of photos; case successfully settled. (C.D. Cal.)

AWARDS AND RECOGNITIONS

- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., Litigation Intellectual Property, 2017-2024; Trademark Law, 2017-2024; Litigation - Patent, 2018-2024
- Recognized as a Top Lawyer in Patent Prosecution, Litigation, and Transactions in the *Intellectual Asset Management (IAM) Patent 1000* legal directory, 2022-2024
- Recognized in *Managing Intellectual Property Magazine*, Euromoney Institutional Investor PLC, as a Trademark Star, 2023-2024