



→ Harper Batts

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Harper Batts is a partner in the Intellectual Property Practice Group located in the firm's Silicon Valley office. He is also the leader of Sheppard Mullin's Post Grant Proceedings (PTAB) Group.

"... highly expert on the strategic interplay between inter partes reviews and district court litigation."

- IAM Patent 1000 (2023)

Areas of Practice

Harper has almost two decades of experience as an intellectual property litigator and client counselor. Harper has obtained institution on more than 90% of the IPRs he has filed – a number unmatched across the country. Numerous Fortune 500 clients have relied upon his experience to represent them in highly contentious patent disputes in venues across the country. He has been selected multiple times as a Top IP Attorney in California by the *Daily Journal* (including this year), and IAM Patent 1000 noted that Harper "performs adroitly in post-grant proceedings on both the patent owner and petitioner sides." In 2022 and 2023, he obtained institution of numerous petitions for inter partes review, obtained numerous final written decisions finding all claim unpatentable, and obtained an exceptional case finding and an award of attorney's fees in the Central District of California in 2020.

He focuses on immediately determining the most relevant and effective pressure points against an adversary to quickly resolve a dispute with minimal disruption and cost to a client.

Harper is one of the leading attorneys for handling complex PTAB challenges across a variety of technologies. Harper has represented patent challengers and patent owners in more than 80 CBM and IPR proceedings. He has extensive experience in cases before the Patent Trial and Appeal Board as well as related appeals.

Clients continue to rely on Harper's experience litigating in other venues, including the United States Court of Appeal for the Federal Circuit Court of Appeals, the International Trade Commission and district courts known for their patent litigation cases, including the Northern District of California and the Eastern District of Texas.

In addition to his extensive IP litigation experience, Harper has frequently been called upon to conduct negotiations between direct competitors, as well as conducting due diligence regarding the potential acquisition of large patent portfolios.

Harper is experienced in numerous technology areas, including semiconductors, computer software, e-commerce, wireless technology, telecommunications, medical devices and hardware technology.

Honors

Leading Lawyer - Intellectual Property: Patent Litigation, *Chambers USA*, 2025

Ranked among the top 100 most active attorneys representing petitioners, *Patexia* IPR Intelligence Report, 2021-2022

Recognized among the top 100 best performing attorneys representing petitioners, *Patexia* IPR Intelligence Report, 2021

The World's Leading Patent Professionals, *IAM Patent 1000*, 2020-2025

Top Intellectual Property Lawyers, *Daily Journal*, 2019, 2021, 2022

Experience

- Representing a major streaming service provider in numerous IPRs and Federal Circuit appeals involving techniques for managing web services, video compression, and adaptive video streaming. In 2023, obtained FWDs for 9 IPRs, invalidating all asserted claims against multiple patents and winning 7 appeals in the past year.
- Representing a leading video streaming platform in a Central District of California proceeding in 2024 against a litigation-funded entity. Prevailed on an early 101 motion; Federal Circuit appeal pending.
- Representing a leader in artificial intelligence, graphics, and data center solutions in a Western District of Texas litigation (and related IPRs) involving multiple adversaries.
- Representing multiple defendants in Western District of Texas litigation and Eastern District of Texas litigations involving an assertion by an Atlantic IP affiliate.
- Represented a global leader in cloud applications, database, and AI technologies in Western District of Texas litigation regarding processing devices and systems.
- Represented a leading streaming provider in a dispute with a prominent technology company involving video codec and streaming patents, obtaining institution in 11 of 12 IPRs before settlement.
- Represented a major electronic design automation company in Northern District of California litigation in 2024 and related IPRs, prevailing on an early 101 challenge.
- Represented a global game developer in Western District of Texas in 2024 against a non-practicing entity, securing early dismissal.
- Represented a global consumer electronics manufacturer in an EPR against a large innovation and defense technology company.
- Represented leading streaming service companies in 6 IPR proceedings and related appeals against a competitor involving video compression, encryption, and streaming technologies.
- Represented a global cloud computing and database leader in Western District of Texas litigation and a related IPR against a technology access solutions provider.
- Represented a leading semiconductor and microprocessor manufacturer in 2 IPRs against an IP holding company involving microcontrollers, FPGAs, and other programmable devices, resulting in all claims being

found unpatentable.

- Represented a group of multinational technology and electronics companies in a campaign filed by a semiconductor IP licensor—including an ITC investigation regarding EDA tool assertions. The investigation and subsequent district court cases concluded favorably.
- Represented multiple major technology companies in 8 IPRs involving video compression technology, successfully invalidating over 80 claims where other PTAB challengers failed.
- Represented an international hearing device manufacturer in an IPR filed by a competitor involving cochlear hearing implants, successfully defending all challenged claims.
- Represented a large streaming service in an IPR involving pause advertisement technology, forcing the patent owner to disclaim all challenged claims both in the IPR and related district court proceeding.
- Represented a global drone manufacturer in a dispute involving multiple IPR challenges and a declaratory judgment action in the District of Delaware, resolving the matter favorably.
- Represented a global semiconductor company in disputes involving wireless networking functionality, obtaining favorable IPR results and invalidation of all asserted claims.
- Represented a leading graphics and computing company in various matters, including a favorable settlement in an IPR involving semiconductor manufacturing technologies.
- Represented a prominent music streaming platform in district court litigation and in 4 IPRs involving digital fingerprinting, data signal comparison, and recommendation engines.
- Represented a leading medical device manufacturer in 2 IPRs involving radiation treatment systems filed by a competitor.
- Represented a gaming technology company in Central District of California litigation and related IPR against a non-practicing entity, with all challenged claims found unpatentable. Secured attorney's fees following affirmation by the Federal Circuit.
- Represented a global game publisher in Western District of Texas litigation concerning erasure coding patents asserted by a defunct entity.
- Represented clients in a patent infringement lawsuit in the Northern District of California involving allegations of infringing smartphone display patents.
- Represented a leading accelerated computing company in a dispute with a patent assertion entity, including filing IPRs and ultimately settling the matter.

Articles

- Divergent Decisions Highlight Uncertainty of IPR Estoppel
Law360, 05.04.2023
- PTAB Director Review Under Vidal: The First 6 Months
Law360, 09.22.2022
- Gaming IP Dispute Is Instructive For Cos. On PTAB Litigation
Law360, 09.09.2021
- At the Post-Iancu USPTO, Will the PTAB Squeeze on Petitioners Continue?
IAM, 03.01.2021

- Have Patent Owners Gotten What They Wished For?
The Recorder, 05.01.2019
- 5 Things To Consider Before Heading To PTAB
Law360, 10.16.2018
- Part 2: How to Assert and Defend Trade Secret Claims After 'Waymo v. Uber'
The Recorder, 02.20.2018
- Lessons Learned From 'Waymo v. Uber' and Other Trade Secret Disputes, Part One: How to Properly Protect Your Trade Secrets
The Recorder, 02.13.2018
- Myth-Busting the Patent Trial and Appeal Board
The Recorder, 05.12.2017
- A Review Of Patent Owners' Early Expert Testimony At PTAB
Law360, 02.22.2017
- How To Make Secondary Considerations Matter (Or Not)
Law360, 06.09.2016
- Myth-Busting the Patent Trial and Appeal Board
Law.com, 04.01.2016
- Open Question: Use of IPR and CBM Institution Decisions in District Court
Intellectual Property & Technology Law Journal, 08.2015
- Recent Shift in § 325(d) Analysis by PTAB May Favor Patent Owners
PTAB Trials Report, 05.2015 **Game Counsel: Gaming and Esports Blog Posts**

- "Hello Again, Worlds: A Failed Gaming IPR Leads to § 101 Success," May 21, 2021
- "ITC Threat for Gaming Companies Grows with PTAB Discretionary Denials," January 15, 2020
- "Clash of Game Companies: Lessons Learned from GREE and Supercell Dispute" September 22, 2020

Law of the Level Blog Posts

- "Hello Again, Worlds: A Failed Gaming IPR Leads to § 101 Success," May 21, 2021
- "ITC Threat for Gaming Companies Grows with PTAB Discretionary Denials," January 15, 2021
- "Clash of Game Companies: Lessons Learned from GREE and Supercell Dispute," September 22, 2020
- "Left Empty Handed: Valve Shut Down on Written Prior Art, Highlighting Importance of System Art," December 6, 2019
- "Addressing Video Game Claims Under the Phillips Standard at the PTAB," August 26, 2019
- "Caution to Game Companies: PTAB Continues to Preclude PTAB Challenges That It Views As Untimely," April 10, 2019
- "Failure to Launch: Not Identifying the Proper Parties Can Prematurely End an Video Game IPR Challenge," February 5, 2019

- "Challenges in Filing Successful IPR Petitions for Video Game Patents," January 3, 2019 **Intellectual Property Law Blog Posts**
- "PTAB Makes Significant Changes to Director Review Process," July 25, 2023
- "How Quickly are Judge Albright Patent Cases Going to Trial?," June 27, 2023
- "Early 2023 Update: Where Are Plaintiffs Filing Patent Cases Now?," February 10, 2023
- "Delaware 101 Pleading Analysis Leaves Parties Guessing and Prosecutors Moving to Adapt," April 15, 2020
- "Left Empty Handed: Valve Shut Down on Written Prior Art, Highlighting Importance of System Art," December 6, 2019
- "Perils of Waiting: PTAB's Precedential Opinion Panel Designates Two More Decisions Rejecting 315(b) Arguments Regarding Time Bars," September 16, 2019
- "Addressing Video Game Claims Under the Phillips Standard at the PTAB," August 29, 2019
- "New PTAB Guide Creates Uncertainty as to Multiple Petition Situations," August 12, 2019
- "PTAB Continues to Preclude PTAB Challenges That It Views As Untimely," April 12, 2019
- "Challenges in Filing Successful IPR Petitions for Video Game Patents," January 4, 2019
- "5 Things To Consider Before Heading To PTAB," October 17, 2018

Media Mentions

Netflix Gets Fed. Circ.'s Backing In Streaming Patent Fight
Law360, 06.18.2025

Netflix Win Axing Streaming Patent Claims Affirmed on Appeal
Bloomberg Law, 06.18.2025

Fed. Circ. Upholds Netflix PTAB Win Over Chip Patent
Law360, 02.27.2025

Hulu Wins Dismissal of Lawsuit Over Integrated Ad Tech Patents
Bloomberg Law, 09.13.2024

The Biggest PTAB Developments In 2023
Law360, 12.18.2023

Fed. Circ. Affirms Netflix's PTAB Win Against Broadcom
Law360, 06.22.2023

Three takeaways from Intel's PTAB win
Managing IP, 05.24.2023

Funders and NPEs say asserting patent portfolios can minimise risk at the USPTO's PTAB, where procedure remains a controversial topic

Managing IP, 05.24.2023

ITC Will Probe Chip Patent Claims Against NXP, Acer

Law360, 11.09.2022

Local Servers Can't Determine Patent Suit Venue, Netflix Says

Law360, 10.06.2021

The Biggest Patent Rulings of 2021: A Midyear Report

Law360, 07.06.2021

Service Flub in Video Game IP Case Leads to Sanctions

Law360, 11.02.2020

Fed. Circ. Sends Wearable Tech IP Back To PTAB In Fitbit Fight

Law360, 07.08.2020

PTAB VR Ruling Shows Shift In Thinking On 'Serial' Petitions

Law360, 04.22.2019

PTAB Taking Note Of Parallel Litigation In Review Decisions

Law360, 10.24.2018

4 Recent PTAB Decisions Attys Need To Know

Law360, 10.22.2018

Apple, Fitbit Get Heart Sensor Patent Slashed At PTAB

Law360, 08.07.2018

Apple, Fitbit Get Health Sensor Patent Invalidated At PTAB

Law360, 06.01.2018

Patent Landscape Readjusts One Year After TC Heartland

Law360, 05.18.2018

Industry reaction to SCOTUS patent venue decision in TC Heartland v. Kraft Food Group

IP Watchdog, 05.20.2016

Speaking Engagements

"Successful IPRs: Best Practice Suggestions from Prominent Filers," ABA-IPL IP West, Newport Beach, California, October 3, 2018

Events

Seismic Shocks at the PTAB and How to Adjust IPR Challenges in 2025

06.12.2025

Seismic Shocks at the PTAB and How to Adjust IPR Challenges in 2025
06.11.2025

Upheavals Ahead: Preparing your IP Department for Tectonic Shifts
PTAB Strategy Update
Crowne Plaza, Palo Alto, CA, 05.08.2024

MCLE Marathon 2023 with Elimination of Bias Credit
Sheppard Mullin Silicon Valley Office, 01.13.2023

Fighting (Patent) Trolls with Dragons: How to Effectively and Efficiently Defend Against Patent Assertions
Video Game Bar Association Virtual Townhall
12.16.2020

ACC-SFBA Patent Law Committee Meeting Sponsored by Sheppard Mullin LLP
Altered Beast: How Recent Supreme Court Decisions and PTO Rule Changes Under Director Iancu Have Dramatically Changed the Patent Landscape
Sheppard Mullin San Francisco, 03.28.2019

ACC-SFBA Patent Law Committee Meeting Sponsored by Sheppard Mullin LLP
Altered Beast: How Recent Supreme Court Decisions and PTO Rule Changes Under Director Iancu Have Dramatically Changed the Patent Landscape
Palo Alto, 03.27.2019

Memberships

State Bar of California
United States Patent Trial and Appeal Board (PTAB)
United States Patent and Trademark Office
United States Court of Appeals for the Federal Circuit
United States District Court for the Northern District of California
United States District Court for the Eastern District of Texas

Podcasts & Webinars

Nota Bene Episode 168: How Patent Disputes Affect the Semiconductor Industry
12.06.2023

MCLE Marathon 2023 with Elimination of Bias Credit
01.13.2023

Practices

False Advertising, Lanham Act and Unfair Competition
Intellectual Property

Patent Litigation

Post-Grant Proceedings

Trade Secrets

Industries

Emerging Company & Venture Capital

Entertainment, Technology and Advertising

Esports & Games

Life Sciences

Semiconductors

Education

J.D., University of Miami School of Law, 2005, *cum laude*

B.A., Chemistry, Johns Hopkins University, 1999

Admissions

California

United States Patent Trial and Appeal Board (PTAB)

United States Patent and Trademark Office

United States Court of Appeals for the Federal Circuit

United States District Court for the Northern District of California

United States District Court for the Central District of California

United States District Court for the Eastern District of Texas

United States District Court for the Western District of Texas