

Carlos Perez-Albuerne

Partner

T +1 617-248-5243 | cperez@choate.com

“experienced IT expert”

IAM Patent 1000



Carlos Perez-Albuerne has a national practice focused on litigation and counseling clients with respect to patent, trade secret, copyright and other technology-related issues. Mr. Perez-Albuerne serves as lead attorney on significant litigation matters for several of the largest publicly and privately held companies in the United States. He has litigated matters in many of the Federal Courts, including those in Massachusetts, Delaware, California, Texas and Puerto Rico. He has particular expertise in software, computer architecture, networking and telecommunications.

Mr. Perez-Albuerne has been named a Massachusetts Super Lawyer. He was chosen to receive one of the Massachusetts Association of Hispanic Attorney’s inaugural “Latino Leadership Awards” and was a finalist for the Boston Business Journal’s “20 on the Move” award. He has been named a World’s Leading Patent Practitioner by IAM Patent 1000.

Mr. Perez-Albuerne has served as a Special Assistant District Attorney for Suffolk County. In that role he was the lead lawyer on many criminal prosecutions, with responsibility for investigation, preparation and trial of those matters. Prior to law school, Mr. Perez-Albuerne worked at the Eastman Kodak Company.

EDUCATION

Georgetown University Law Center *cum laude*, JD, 1998

Clarkson University
BS, 1991

PRACTICE FOCUS

Complex Intellectual Property Disputes

Litigation of disputes involving technology, particularly patent, trademark and trade secret claims and counsels clients with respect to non-litigation matters involving intellectual property and data security. Extensive experience advising investors and target entities in the context of transaction diligence and negotiation. Advises clients responding to potential incidents involving security of both consumer data and sensitive business information.

REPRESENTATIVE ENGAGEMENTS

- Lead counsel for Akamai Technologies in patent litigation involving data transmission over the Internet. *CDS v. Akamai Technologies*, ED Tx
- Lead counsel in DJ action against NPE regarding patents related to web “click-to-chat” functionality. *LogMeIn Inc. v. Pragmatus Telecom LLC*, D Del

ADMISSIONS

Massachusetts

U.S. District Court,
Massachusetts

U.S. Court of Appeals,
Federal Circuit
District of Columbia

PRACTICE AREAS

Complex Intellectual
Property Disputes

Intellectual Property
Protection

Technology

- Lead counsel in patent litigation defending claims by NPE regarding flash media server.
Afluo v. Akamai, D Del
- Defend Insulet Corporation in patent infringement actions involving insulin delivery and blood glucose meter technology.
Becton Dickinson and Company v. Insulet Corporation, D NJ
Medtronic MiniMed v. Insulet Corporation, CD Cal
- Lead counsel for Fidelity Investments in trade secret case involving dynamic publishing software.
Content Management Associates v. FMR, D Mass
- Lead counsel for Hewlett-Packard in patent litigation involving power management in personal computers.
St. Clair Intellectual Property Associates v. Hewlett-Packard, D DE
- Represented Akamai Technologies in patent infringement litigation involving internet content delivery and traffic management technology. After three week trial, jury returned verdict in favor of Akamai in the amount of more than \$45 million, which was named largest verdict of 2008 by *Mass Lawyers Weekly* and was listed in the top 50 of *National Law Journal's* "Top 100 Verdicts of 2008."
Akamai Technologies v. Limelight Networks, Inc., D Mass
- Represented Hewlett-Packard in patent infringement litigation brought by Streamserve, Inc. involving software used for creation and management of large volumes of documents.
Streamserve, Inc. v. HP, D Del
- Represented Hewlett-Packard in patent infringement litigation brought by Polaroid involving digital imaging.
Polaroid v. HP, D Del
- Represented Furukawa Electric North America and its subsidiary, OFS-Fitel, in patent infringement litigation involving methods for manufacture of optical fiber products.
Furukawa Electric North America, Inc. v. Yangtze Fibre & Cable Company, Ltd., D Mass
- Represented Akamai Technologies in patent litigation involving internet content delivery and traffic management technology.
Akamai Technologies, Inc v. Speedera Networks, Inc., D Mass
- Represented defendants (now known as GE Water) in patent infringement action involving electrodeionization technology.
US Filter v. Glegg Water Conditioning, D Mass
- Represented Electronic Privacy Information Center which, along with US Telecom Association, successfully challenged FCC's attempted implementation of regulations that would have unconstitutionally altered the standard for electronic monitoring of individuals.
US Telecom Association v. Federal Communications Commission, US Court of Appeals, DC

PUBLICATIONS AND PRESENTATIONS

Mr. Perez-Albuerne regularly writes and speaks on issues relating to intellectual property and the intersection of law and technology. His articles appear in a wide range of publications, from professional periodicals to scholarly journals such as the *George Washington School of Law Technology Journal*. Recent publications include:

- “510(k) In Patent Litigation: Applicants Should Be Cautious,” *co-author, IP Law360*, April 2015.
- “Lawyers Weigh in on High Court’s Software Patent Ruling,” *quoted, IP Law360*, June 2014.
- “Invalidating Patents on the Pleadings Post-Bilski,” *co-author, IP Law360*, June 2014.
- “Use of Rule 11 and Section 285 Against NPEs May Increase,” *co-author, IP Law360*, March 2013.
- “Patentability of Predictive Analytics Post-Prometheus,” *co-author, IP Law360*, June 2012.
- “Lessons from Post-Uniloc Cases,” *co-author, IP Law360*, September 2011.
- “A Good Defense: Some Tips on Fighting Back Against Industrial Espionage,” *author, Corporate Counsel*, June 2011.
- “Recasting Business Method Patent Claims Post-Bilski,” *co-author, IP Law360*, May 2011.
- “Eastern District of Texas — Plaintiffs’ Paradise Lost?” *co-author, IP Law360*, September 2010.
- “Are Your Web Site’s Privacy and Terms of Use Policies Up to Snuff?” *co-author, Corporate Counsel*, August 2010.
- “In the Wake of Bilski,” *co-author, IP Law360*, June 2009.

In addition, his commentary has been quoted in several legal publications such as the *ABA Journal* and *Inside Counsel*.

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Perez-Albuerne is actively involved in both national and local bar associations. He has served as a Deputy Regional President and member of the Board of Governors of the National Hispanic Bar Association, and is the immediate Past President of the Massachusetts Association of Hispanic Attorneys.