

Rising Star: Sheppard Mullin's Carlo Van Den Bosch

By Mike Cherney

Law360, New York (April 1, 2010) -- Having won a case early in his career that is still widely cited in online trademark disputes, Sheppard Mullin Richter & Hampton LLP partner Carlo Van den Bosch has gone on to co-chair the firm's intellectual property practice group, earning him a spot on Law360's list of 10 IP attorneys under 40 to watch.

Van den Bosch, 38, who was born in Belgium and moved to the U.S. as a teenager, said he likes to think his international upbringing helped him land the co-chair position. He did not seek out the job, he said, but took the position after the firm's management asked him to sign on.

"Your job in part is to foster teamwork," Van den Bosch said. "You have to be a little bit of a diplomat. With my international [background], maybe diplomacy is not a bad thing for me."

Sheppard Mullin's IP group has grown under Van den Bosch's tenure. When he joined the firm in 1996 after graduating from the University of Southern California Law School, he was just its third IP associate.

Now, there are 65 attorneys in the practice group, and Van den Bosch said his immediate goal is to enhance the firm's patent litigation muscle. Case in point: On Thursday, the firm announced the addition of another patent litigator.

"He's the complete package," Steve Hanle, a patent litigator who joined Sheppard Mullin two years ago, said of Van den Bosch.

"He's an excellent lawyer, he's very responsible, clients love him and other lawyers love to work with him. One might even say for a fairly young guy, he's beyond his years in terms of his ability as a leader and as a consensus builder," Hanle said.

Van den Bosch won his first significant litigation victory in 1999 in Brookfield Communications Inc. v. West Coast Entertainment Corp. before the U.S. Court of Appeals for the Ninth Circuit.

Brookfield, Van den Bosch's client, sued West Coast for using its trademark in metatags — invisible text on a Web site that search engines use to direct Internet users to the site — on a Web page run by West Coast. The district court refused to issue a preliminary injunction, but the decision was reversed on appeal.

Brookfield went on to win the case, and a jury awarded it \$1.5 million in damages, which was a sizable award considering that the infringement occurred for just several weeks, Van den Bosch said.

"It's one of those cases that is still often cited today in connection with disputes not only involving metatags, but Google AdWords and other sponsored links on the Internet," he said.

In Wyatt Technology Corp. v. Smithson et al., a trade secrets dispute involving dynamic light scattering laser devices used to measure particles in a liquid solution, Van den Bosch won a summary judgment of noninfringement for the defendants.

He filed counterclaims against the plaintiffs after it was determined they had hacked into an e-mail account used by the defendants prior to the lawsuit. Punitive damages were awarded to the defendants, and the Ninth Circuit recently affirmed liability on the counterclaims.

"To go into a trade secrets case where you're a defendant and to be able to turn it around completely and then get punitive damages and attorneys' fees, that's rare in the extreme," Van den Bosch said.

And in an ongoing case, Hana Financial Inc. v. Hana Financial Group et al., Van den Bosch is representing one of the largest banks in South Korea, which was sued by a U.S.-based financial institution of the same name for trademark infringement.

The district court held that the trademark rights belonged to Van den Bosch's client on the grounds that it began using the trademarks in the U.S. before the plaintiff did. The case is currently on appeal.

In his spare time, Van den Bosch, who studied mechanical engineering as an undergraduate, helps manage his family's vineyard and takes care of his three children. As an engineer, Van den Bosch was interested in IP because of the opportunity to work on cases involving technical issues, unlike in some other practice areas, he said.

"I was always drawn to the level of interaction that lawyers have with their clients," he said. "Being a lawyer is not like working for one company; it's really like working for 100 different companies and having exposure to different business models. It's always fresh; it's never the same."