

Peter C. Magic

Partner, San Francisco



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Peter Magic is a patent trial lawyer and he leads Desmarais LLP's California office. He represents plaintiffs and defendants in patent litigation in a variety of industries including computer hardware, software, telecommunications (including matters related to standard essential patents), cellphone technology, and medical devices.

In representing defendants, he has helped clients secure judgments of noninfringement, invalidity, and low damages. In representing plaintiffs, he has helped clients achieve substantial settlements as well as an exclusion order at the International Trade Commission. He has extensive experience in all stages of litigation, including trials in federal district court, the International Trade Commission, and Europe, as well as appeals. Mr. Magic relocated to San Francisco to open Desmarais LLP's California office, the firm's first new office since its founding in New York City in 2010.

Mr. Magic's recent work for defendants includes helping Cisco Systems, Inc. defeat allegations by Egenera, Inc. that certain Cisco datacenter products infringed three patents. In January 2019, the case proceeded to a bench trial on inventorship, which Mr. Magic and other partners tried and won. The firm's performance at the trial later featured in Law360 awarding the firm 2019 Trials Practice Group of the Year. In August 2022, the case culminated in a two-week jury trial in the District of Massachusetts on one patent. The plaintiff sought \$371 million in damages. Mr. Magic and other partners of the firm obtained a verdict of non-infringement of all asserted claims. The firm's performance at the jury trial featured in Law360 awarding the firm 2022 Intellectual Property Practice Group of the Year.

Mr. Magic represented Apple Inc. in obtaining complete dismissal of two lawsuits (spanning six patents) filed by VoIP-Pal.com, Inc. In each case, the court granted Apple's motion to dismiss all patent infringement allegations on the ground that the patent claims failed to satisfy Section 101.

Mr. Magic also helped Intel Corp. achieve a favorable result on defense at trial in the Eastern District of Texas. Mr. Magic was responsible for two of the five patents that were the subject of the trial, both of which were asserted

EDUCATION

University of Michigan Law School,
2008, cum laude, Michigan Law
Review, Associate Editor

University of Texas at Austin, M.S.,
Computer Science, 2004

The Johns Hopkins University,
B.S., Computer Science, 2002

ADMISSIONS

2009, New York

2011, California

Registered to practice before the
United States Patent and
Trademark Office

against Wi-Fi related technology. At trial, the jury found non-infringement for one of the two patents, and on appeal, the Federal Circuit held that Intel did not infringe the second patent.

Mr. Magic's recent work for plaintiffs includes helping Enzo Life Sciences, Inc. achieve favorable settlements in patent litigation against numerous defendants in federal district court. Enzo Life Sciences, an early innovator and patent holder in the area of molecular diagnostics, enforced its patents against several defendants, including Life Technologies (later part of Thermo Fisher), Hologic, Illumina, Affymetrix, and several other companies.

In addition to serving clients in patent litigation, Mr. Magic has also served the public sector in several roles. While at Kirkland & Ellis, Mr. Magic took depositions on behalf of the Brooklyn District Attorney's Office. From 2009 to 2010, Mr. Magic was a law clerk to the Honorable James Ware, District Court Judge in the United States District Court for the Northern District of California. In 2006, while a law student, Mr. Magic was a judicial intern for the Honorable Michael Dolinger, Magistrate Judge in the United States District Court for the Southern District of New York.

Mr. Magic has also won asylum, on a *pro bono* basis, for clients in immigration court, and he supervises associates who take on immigration cases.

Mr. Magic graduated *cum laude* from Michigan Law School in 2008. He was an editor of the Michigan Law Review, and he wrote and published patent law analysis in the Law Review. Before law school, Mr. Magic received a bachelor's degree and a master's degree in computer science. Mr. Magic began writing software at age 12 (in BASIC), and has written software using C, C++, Java, Perl, and SQL.

Before joining Desmarais LLP, Mr. Magic was a patent litigation associate in the Intellectual Property group at Kirkland & Ellis LLP.

Prior Experience

- Associate, Desmarais LLP, New York, New York, 2014-2018
- Associate, Kirkland & Ellis LLP, New York, New York, 2008-2014

Clerk & Government Experience

- Law Clerk to the Hon. James Ware, United States District Court for the Northern District of California, 2009-2010
- Judicial Intern to the Hon. Michael Dolinger, United States District Court for the Southern District of New York, 2006

Courts

- United States District Court of Appeals for the Federal Circuit
- United States District Court of Appeals for the Ninth 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 Southern District of New York
- United States District Court for the Eastern District of New York

Other Distinctions

- IAM Patent 1000 – Individual Litigation: Silver Ranking (California), 2022-2023
- Managing Intellectual Property, Notable Practitioner, 2020; **IP Star**, 2021-2023
- IAM Patent 1000 – Individual Litigation: Bronze Ranking (California), 2020-2021
- Super Lawyers, San Francisco, CA, 2022-2023
- Super Lawyers, San Francisco, CA, Rising Star, 2019
- Super Lawyers, New York Metro Area, Rising Star, 2015-2018

Memberships & Affiliations

- American Bar Association

Representative Matters

- Represented Verizon against Huawei in a patent infringement case related to computer networking and videoconferencing.
- Represented Apple against nCAP Licensing in a patent infringement case relating to antennas.
- Represented Apple against VoIP-Pal.com, Inc. in a patent infringement case relating to communications routing.
- Represented Cisco Systems against Egenera in a patent infringement case relating to datacenter products.
- Represented Enzo Life Sciences against numerous defendants in patent infringement cases involving molecular diagnostics.
- Represented Intel against Ericsson in a patent infringement case involving Wi-Fi technology.
- Represented Apple against Nokia and HTC in a patent infringement case relating to cellphones.

Publications

- **"IP Group Of The Year: Desmarais"** – *Law360*, January 19, 2023 – Peter Magic was part of the team that secured a verdict of noninfringement for Cisco, defeating patent infringement claims and a damages ask of \$371 million brought by the software company Egenera for the second time at trial.
- **"IAM Patent 1000 Names Desmarais LLP Top National Firm, Highlights 13 Partners"** – *Press Release*, June 30, 2022 – Peter Magic was one of 13 Desmarais LLP attorneys recognized in the IAM Patent 1000 rankings for 2022, receiving a recognition for Individual Litigation: Silver Ranking (California).
- **"Desmarais LLP Wins Top 2021 IAM Patent 1000 Ranking, 12 Attorneys Honored"** – *Press Release*, July 1, 2021 – Peter Magic was one of 12 Desmarais LLP attorneys highlighted in the IAM Patent 1000 rankings for 2021, earning a recognition for Individual Litigation: Bronze Ranking (California).
- **"Desmarais LLP Receives Top IAM Patent 1000 Ranking, 8 Attorneys Recognized"** – *Press Release*, June 15 – Peter Magic was one of eight Desmarais LLP partners honored in the *IAM Patent 1000*

rankings for 2020, receiving recognition for Individual Litigation: Bronze Ranking (California).

- **“Trials Group Of The Year: Desmarais”** – *Law360*, January 13, 2020 – Peter Magic is highlighted for his role in Desmarais LLP’s trial victory for Cisco Systems, defeating \$400 million in patent infringement claims.
- **“NYC patent boutique Desmarais opens office in San Francisco”** – *Daily Journal*, June 20, 2019 – Peter Magic is quoted about his new position as head of the firm’s San Francisco office.
- **“IP Hires: Pillsbury, Desmarais, Feinberg Day”** – *Law360*, June 14, 2019 – Peter Magic is highlighted for his role leading the firm’s new San Francisco office.
- **“IP Litigation Boutique Desmarais Branches Out to San Francisco”** – *Bloomberg Law*, June 13, 2019 – Peter Magic is quoted about his role leading the firm’s new San Francisco office.
- **“IP Boutique Desmarais Expands To West Coast With SF Office”** – *Law360*, June 13, 2019 – Peter Magic is quoted about his role leading the firm’s new San Francisco office.
- **“Desmarais Unveils San Francisco Office as Firm Goes Bicoastal”** – *The Recorder*, June 12, 2019 – Peter Magic is quoted about his role leading the firm’s new San Francisco office.
- **“Desmarais LLP Launches West Coast Office in San Francisco”** – *Press Release*, June 12, 2019 – The firm announces Peter Magic’s role as head of its new San Francisco office.
- **“Desmarais To Expand With New Bay Area Office”** – *Law360*, October 22, 2018 – Peter Magic is quoted about Desmarais LLP’s announcement that it will open a new West Coast office, which he will lead.
- **“Desmarais LLP To Open San Francisco Office”** – *Daily Journal*, October 23, 2018 – Peter Magic is quoted about his role heading the firm’s new West Coast office.
- Peter C. Magic, *Exclusion Confusion? A Defense of the Federal Circuit’s Specific Exclusion Jurisprudence*, 106 Mich. L. Rev. 347 (2016) (available at <https://repository.law.umich.edu/mlr/vol106/iss2/5>).