

Daily Journal

MAY 22, 2024

TOP INTELLECTUAL PROPERTY LAWYERS



**Ian C.
Ballon**

Ian C. Ballon began his legal career with an interest in tax law and international law, but found a new calling in “computer law” after moving to Palo Alto in 1989.

“As a consequence, I began litigating software copyright and trade secret disputes, developed an expertise in intellectual property litigation and then was talked into writing a legal treatise on Internet law, which broadened the focus

Greenberg Traurig, LLP **SILICON VALLEY & LOS ANGELES**

of my practice to Internet, mobile, social media, cloud and AI-related litigation and counseling,” he said.

In 1995, he addressed the ABA Annual Convention on Internet Law and has since published multiple editions of “**E-Commerce & Internet Law: Treatise with Forms.**”

Today, Ballon’s practice now encompasses a broad range of technology-related legal issues, including Internet, mobile, social media, cloud and AI-related litigation and counseling.

He has worked with many companies to evaluate whether and how to use third-party data and information to train algorithms for generative AI.

Ballon said, “As a litigator who has represented clients in litigation in numerous cases over the past 30 years involving database protection and what used to be called ‘screen scraping,’ and as the author of a chapter on data portability for training algorithms ... I have broad and deep experience with the smorgasbord of remedies that a data owner may assert and the myriad defenses that may apply based on what information or data is accessed, how it is used, and the purpose for its use. Providing practical and informed

guidance to companies using AI is very rewarding.”

In the past year, the U.S. Supreme Court has addressed three major aspects of Ballon’s practice: copyright fair use, the intersection of intellectual property and the First Amendment, and the Communications Decency Act.

“With respect to the CDA, I am lead counsel to eBay in numerous CDA cases around the country,” Ballon said. “In the intersection of IP and the First Amendment rights, I am lead counsel for inside-the-beltway journalism site Punchbowl News.”

In that case, he was successful in obtaining dismissal for forum shopping in the *Eastern District of Virginia. Punchbowl, Inc. v. AJ Press, Inc.*, 1:21-cv-00136, 2021 WL 1178070 (E.D. Va. 2021). He then won on the merits in the district court and Ninth Circuit. *Punchbowl, Inc. v. AJ Press, Inc.*, 52 F.4th 1091 (9th Cir. 2022).

When asked about obstacles, Ballon said IP litigation is like a chess match.

“You are up against smart, capable opposing counsel and need to always think three to four moves ahead and be prepared to constantly adjust your strategy,” he said.