



Benjamin C. Elacqua

Principal
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Overview

Benjamin Elacqua is sought-after lead counsel for global intellectual property disputes. He handles all phases of complex litigation and regulatory investigations, including multijurisdictional parallel proceedings in U.S. District Courts and at the U.S. International Trade Commission.

Ben is an accomplished first chair trial lawyer who handles patent, IP, and all related matters across a broad range of technologies. He is particularly adept in handling cases involving telecommunications, computer software, computer hardware, medical devices, mechanical products, and consumer products.

Ben takes a holistic approach to litigation. He gains a thorough understanding of the client's business, products, and technology and then leverages that knowledge to explain complex problems simply, identify future challenges, provide strategic analyses and insights for the client's competitive advantage, and deliver results in and out of the courtroom.

Ben's post-trial work includes writing and arguing post-trial motions and drafting appellate briefs. He also handles proceedings and advises clients on many state law claims, particularly as they relate to complex technical issues, antitrust issues, trade secrets, and proceedings that might implicate multidistrict litigation.

Ben is considered a pioneer and extremely well-versed in the technically and legally challenging area of SEP/FRAND licensing and litigation. Over the last decade he was intricately involved in developing and executing strategies for the largest worldwide litigations regarding cellular standard essential patents. He is a go-to advisor as the industry prepares for an explosion of litigation on standards essential patents, and fair, reasonable, and nondiscriminatory terms relating to 5G, Wi-Fi, HEVC, and other standards technologies. These technologies regularly redefine the field of patent litigation. In addition to serving as lead litigation counsel, Ben advises a broad range of companies on SEP/FRAND diligence and licensing, as well as ways to handle royalty strategies relating to SEPs, and to help them avoid litigation entirely or better position themselves for litigation success.

Ben is actively involved in the community, teaching a high school mock trial class and regularly coaching (or attending) youth sports. His pro bono practice includes work on immigration, prisoner advocacy matters, and trusts and estates.

Experience

Representative cases

As the firm's designated relationship partner for a Fortune 10 consumer electronics company, Ben coordinated and helped develop the litigation strategy for an epic multi-billion-dollar global royalty and patent dispute with Qualcomm. The two-year SEP-focused

battle ended in a settlement after both sides presented opening arguments in a U.S. district court in San Diego.

Ben was also global counsel for the same Fortune 10 client in a years-long, global, multibillion-dollar patent and contract dispute over against Ericsson. The two parties ultimately reached a licensing agreement after the ITC trial, where Ben was lead counsel.

As lead counsel in a matter before the U.S. District Court for the Eastern District of Texas, Ben represented Chamberlain Group, LLC, in obtaining a \$43 million jury verdict against its competitor Overhead Door in a patent infringement case related to garage door openers. The court then awarded attorneys' fees and an ongoing royalty.

As co-lead counsel in a matter before the U.S. District Court for the Northern District of Illinois, Ben helped secure a permanent injunction, treble damages, and attorneys' fees for Chamberlain. Those enhanced results followed a jury verdict finding that Ryobi and parent company Techtronic Industries (TTI) willfully infringed two of Chamberlain's patents, initially resulting in blocked sales of certain Ryobi connected garage doors until 2023, \$11 million in damages, and attorneys' fees and costs.

Not all significant results are secured before the courts. Ben helps clients, such as Chamberlain, avoid potentially expensive litigation through proactive counseling, including in areas such as SEP/FRAND disputes surrounding an emerging smart-home technology that essentially moved Chamberlain from the brick-and-mortar world into the realm of the Internet of Things (IoT)—and into the evolving SEP/FRAND legal environment.

Recognitions & awards

Best Lawyers in America

Best Lawyers 2021-2025

Smart Tech Law Trailblazers

National Law Journal 2023

Super Lawyers

Super Lawyers 2017-2020

Litigator of the Week

Litigation Daily 2018

Rising Star

Super Lawyers 2013-2016

Professional associations

Planning Committee, Eastern District of Texas Bench and Bar Conference (2012-present)

Global Fellow, Federal Circuit Bar Association (2018-2019)

Appointed by (former) Chief Judge Davis of the Eastern District of Texas to serve on a special five-person committee of former EDTX law clerks (2013-2018)

Member, Houston Intellectual Property American Inn of Court (2014-2017)

Insights

Webinar | May 15, 2025

Analyzing SEPs: Strategies for Licensing Negotiations

Article | March 25, 2025

Analyzing SEPs: Strategies to Avoid or Prepare for Litigation

Article | March 21, 2025

The Outlook for SEPs in 2025: Anti-Suit Injunctions, DOJ Policy, and GenAI

Webinar | December 17, 2024

Analyzing SEPs: Strategies to Avoid or Prepare for Litigation

Blog | December 11, 2024

Introduction to SEP & FRAND Issues

Article | July 12, 2024

How to Redesign to Avoid Patent Infringement Claims

Webinar | January 31, 2024

Best Practices for Noninfringing Redesign

IP Law Essentials | May 26, 2020

What You Need to Know About Motion Practice You Probably Learned in Kindergarten

IP Law Essentials | April 30, 2020

Monetizing Patents through Partnerships: University Partnerships with Law Firms and Industry

IP Law Essentials | April 28, 2020

Injunctions: Using Patents to Stop Competitors

News

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

Media Coverage | June 4, 2024

Navigating the SEP Landscape: Insights from Principal Benjamin Elacqua

Managing IP

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | April 3, 2023

Fish & Richardson Principal Benjamin Elacqua Recognized by the *National Law Journal* as a Smart Tech Law Trailblazer

News | January 30, 2023

Fish & Richardson Wins \$43 Million Jury Verdict for the Chamberlain Group

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

Media Coverage | September 12, 2019

The Changing Landscape of Fair, Reasonable and Non-Discriminatory (FRAND) Litigation

Corporate Counsel Business Journal

News | June 4, 2018

Fish & Richardson Wins Permanent Injunction, Treble Damages, and Attorneys' Fees for the Chamberlain Group

News | September 7, 2017

Fish & Richardson Wins Jury Verdict for Chamberlain Group

News | May 19, 2016

Five Fish & Richardson Attorneys Highlighted on 2016 Texas Super Lawyers List

Additional insights

Publications

- "Litigation – Musical Chairs in Patent Venue: The Practical Implications of TC Heartland," *Practicing Law Institute (PLI) 12th Annual*

Patent Law Institute (April 2018)

- "Trends in Licensing Deals and Other IP Transactions," *Duff & Phelps IP Value Summit* (October 2017)
- "IP Strategy and Recent Trends in the High Tech World," *Duff & Phelps IP Value Summit*, Half Moon Bay, California (October 2017)
- "Impact of the Supreme Court on Patent Enforcement," *BloombergBNA Seminar* (March 2015)
- "Valuation of Intellectual Property (and Beyond)," *VALCON 2015* (February 2015)

Speaking engagements

- "Talk Slowly, Think Quickly: Lessons on Trial Presentation," *EDTX Bench Bar Conference* (October 28, 2022)
- "Litigation – Musical Chairs in Patent Venue: The Practical Implications of TC Heartland," *Practicing Law Institute (PLI) 12th Annual Patent Law Institute* (April 2018)
- "Trends in Licensing Deals and Other IP Transactions," *Duff & Phelps IP Value Summit* (October 2017)
- "IP Strategy and Recent Trends in the High Tech World," *Duff & Phelps IP Value Summit*, Half Moon Bay, California (October 2017)
- "Impact of the Supreme Court on Patent Enforcement," *Bloomberg BNA Seminar* (March 2015)
- "Valuation of Intellectual Property (and Beyond)," *VALCON 2015* (February 2015)

Media mentions

- ["So many doors opening": US firms expect boom in SEP work,](#) *Managing IP* (June 4, 2024)
 - ["Fish & Richardson Cashes in as Big Tech's Go-To Trial Law Firm,"](#) *Bloomberg Law* (April 27, 2023)
 - ["How Counsel Build and Buttress Collaboration With Colleagues,"](#) *Managing IP* (April 22, 2022)
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Services

Standard Essential Patents

Litigation

Patent Litigation

Trademark, Copyright & Media Litigation

Trade Secret Litigation

Appellate

Post-Grant

IP Licensing, Transactions & Agreements

Industries

Electrical & Computer Technology

Software & Internet

Digital Health

Digital Media & E-Commerce

Financial, Business & FinTech Services

Telecommunications

Energy & Chemicals

Petrochemical

Life Sciences

Medical Devices

Transportation, Aerospace & Defense

Manufacturing

Admissions

Massachusetts (2005)

Texas (2006)

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Eastern District of Texas
U.S. District Court for the Southern District of Texas
U.S. District Court for the Western District of Texas
U.S. District Court for the Northern District of Illinois

Clerkships

U.S. District Court for the Eastern District of Texas, The Honorable Ron Clark (2004-2006)

Education

J.D. *magna cum laude*, Suffolk University Law School (2004) Editor-in-Chief, *Journal of High Technology Review*
B.A., Liberal Arts, Colorado State University (1999)