



David Tsai

Partner

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OVERVIEW

David Tsai is a partner in the firm's IP Litigation practice group. David is a first-chair trial lawyer and focuses his practice on intellectual property and complex commercial litigation, including patent, trade secret, trademark, copyright, breach of contract, and product defect disputes in federal and state courts, as well as international arbitration tribunals.

David represents leading global innovators in biotechnology, pharmaceuticals, medical devices, software (including AI, internet, and mobile applications), and hardware technologies (including semiconductor, set-top box, smartphone, solar wafer, and LED/OLED technologies). In addition to high-stakes litigation, his experience includes preparing and prosecuting US electrical engineering patent applications; drafting patentability, freedom-to-operate, and non-infringement opinions; and filing inter partes review (IPR) petitions. He regularly advises his clients in patent negotiations, licensing strategies, M&A transactions, and broader intellectual property portfolio strategy. David has been quoted regarding patent-related issues in major business and technology publications, including *The New York Times* and *Law360*.

PROFESSIONAL BACKGROUND

Prior to joining the firm, David served as Taiwan practice co-leader at a top global law firm. He is recognized for his leadership across the legal, academic, and civic communities. From 2017 to 2019, he served as one of 18 lawyer representatives to the US District Court for the Northern District of California. He currently serves on the Advisory Board of Santa Clara University School of Law and as a Commissioner on the San Francisco Ethics Commission. His previous leadership roles include service on the Executive Committee of the University of California, Riverside Foundation and as president of the Harvard Club of San Francisco, the Silicon Valley IP Law Association, and the Asian American Bar Association of the Greater Bay Area. In 2016, he was recognized by the California State Legislature for his work in civil rights.

ACHIEVEMENTS

- Recognized by *Best Lawyers in America*®
 - Litigation – Intellectual Property (2021–2027)

- Litigation – Patent (2022–2027)
- Selected to the Northern California Super Lawyers list, Super Lawyers (2013–2026)
- AIDS Legal Referral Panel (ALRP) Clint Hockenberry Leadership Award (2025)
- Santa Clara University School of Law Inclusive Excellence Award (2025)
- Acritas Stars Independently Rated Lawyers, Acritas Star (2021–2022)
- Lawyers of Color's "Nation's Best" List, 2019 (Inaugural List) (2022)
- Minority Bar Coalition "Unity Award" (2019)
- AIDS Legal Referral Panel (ALRP) James C. Hormel Philanthropist Award (2017)
- California API Legislative Caucus Heritage Award (Excellence in Civil Rights) (2016)
- Minority Corporate Counsel Association, Rising Star (2015)
- *The Recorder*, "Lawyer on the Fast Track" (2013)
- National Asian Pacific American Bar Association Best Lawyer Under 40 Award (2013)
- *Daily Journal*, one of the top "Five Associates To Watch" in California (2013)
- Inaugural Santa Clara University School of Law Young Alumni "Rising Star Award" (2013)
- Bar Association of San Francisco Barristers Club "Diversity Award" (2012)
- Selected to the Northern California Rising Stars list, Super Lawyers (2009–2012)
- The National LGBT Bar Association 40 Best LGBTQ+ Lawyers Under 40 (2011)
- Santa Clara County Bar Association "Barrister of the Year" (2010)
- Minority Bar Coalition "Rising Star Award" 2009
- American Bar Association Section of Litigation "Outstanding Subcommittee Chair Award" 2008

PROFESSIONAL / CIVIC ACTIVITIES

- Asian American Bar Association of the Greater Bay Area (AABA)
 - President, 2018–2019
 - Vice President/President-Elect, 2017–2018
 - Secretary, 2015–2016
 - Board of Directors, 2012–2015
- Asian Americans Advancing Justice | Asian Law Caucus (ALC), Board of Directors, 2016–2019

- American Bar Association (ABA), Section of Litigation, LGBT Law & Litigator Committee Co-Chair, 2010–2012
- American Bar Foundation (ABF), Fellow, 2015–present
- AIDS Legal Referral Panel (ALRP), Board of Directors, 2007–2014
- Asian Law Alliance (ALA), Advisory Board, 2016–present
- Bar Association of San Francisco (BASF), Board of Directors, 2010–2011, 2016–2019
- BASF Barristers Club, Board of Directors, 2009–2011; Diversity Director, 2009–2010
- BASF Justice & Diversity Center (JDC), Board of Directors, 2013–2015
- Bay Area Lawyers for Individual Freedom (BALIF), Board of Directors, Co-Chair, 2010–2012; Treasurer, 2008–2010
- BALIF Foundation, Board of Directors, Founding Chair, 2015–2016
- California Rural Legal Assistance (CRLA) Board of Directors, 2022–present (State Bar of California Appointee)
- City and County of San Francisco Ethics Commission, Commissioner, 2023–present (Appointed by San Francisco District Attorney Brooke Jenkins)
- Equality California (EQCA), Board of Directors, 2014–present
- Fiat Lux Alliance (University of California Office of the President), Appointed Member, 2021–present
- Harvard Club of San Francisco (HCSF)
 - President (2022–present)
 - Vice President of Activities (2019–2022)
 - Board of Directors (2019–present)
- Lambda Legal, National Board of Directors (2015–2021)
- Lawyer Representative to the Ninth Circuit Judicial Council (2016–2019)
- Minority Bar Coalition (MBC), Co-Chair (2009–2010)
- Phillips Exeter Academy, Alumnus Admission Representative (1997–present)
- Pride Wide, President, US Board of Directors (2024–present)
- Santa Clara County Bar Association (SCCBA), Board of Trustees (2007–2009)
- Santa Clara University School of Law, Law Alumni Board of Directors (2009–2015)
- Santa Clara University School of Law, Advisory Board (2017–present)

- Silicon Valley Intellectual Property Law Association (SVIPLA), Board of Directors (2008–2016); Past President
- State Bar of California Legal Services Trust Fund Commission, Commissioner (2014–2017)
- Taiwanese American Lawyers Association (TALA), Board of Directors (2017–present)
- University of California, Riverside (UCR) Marlan and Rosemary Bourns College of Engineering, Council of Advisors (2017–present)
- University of California, Riverside (UCR) Foundation, Board of Trustees (2026–present; 2015–2023); Executive Committee (2021–2023)
- William A. Ingram Chapter, American Inns of Court
 - Executive Committee (2012–present)
 - Treasurer (2015–2016)

SPEAKING ENGAGEMENTS

David frequently writes and lectures on Hatch-Waxman/Abbreviated New Drug Application (ANDA) litigation, standard essential patents, FRAND/RAND royalties, internet software applications, and US patent law.

- Speaker, “The Utilization of the Principle of Estoppel in ITC §337 Investigations,” presented at 2026 MOFCOM 337 Technical Seminar, Xi’An, China, June 2026
- Moderator, “AI and Cross-Border Tech Disputes,” presented at 2026 International Tech & IP Disputes Exchange (I-TIDE) in San Francisco, March 2026.
- Speaker, “The U.S. Innovation Playbook - Trade Secret Law Tactics for a Competitive Edge,” presented at IP Link Trade Secret Law Conference in Beijing, China, December 2025.
- Speaker, “Issues to Consider When Dealing with U.S. Patent and Trade Secrets Law,” presented at Judge Randall Rader Annual U.S. IP Conference in Shenzhen and Guangzhou, China, July 2025.
- Speaker, “Insider Threats to IP Security: Prevention, Detection and Legal Remedies,” presented at the Global Intellectual Property (IP) ConfEx in San Francisco, May 14, 2025.
- Speaker, “Panel I: Patent Litigation,” presented at The Bar Association of San Francisco Intellectual Property Symposium, Navigating the AI Frontier: Patent, Entertainment Law, Regulatory Challenges, October 10, 2024.
- Speaker, “Protecting IP in the Digital Age,” presented at the Events4Sure Virtual Problem-Solving Discussions & Speed Networking Event, August 28, 2024.
- Moderator, “Panel Discussion Regarding Standard Essential Patents,” presented at the Latest Insights Into Corporate Deal Trends and Recent Developments in U.S. IP Litigation Fronteo Webinar, July 19, 2024.

- Speaker, “Legal | Hot U.S. IP Topics: Trade Secrets, Patents, Trademarks and AI,” presented at the American Chamber of Commerce (AmCham) Shanghai Conference, March 27, 2024.
- Keynote speaker, “Intellectual Property Issues in Health Care and Pharm M&A Transactions,” presented at the 2024 Annual China Health Care Investment and Financing Transaction Conference, March 28, 2024.
- Panelist, “Men of Color: Building Understanding, Success Strategies and Authentic Connection,” presented at The California Minority Counsel Program (CMCP) Annual Business Conference, September 2023.
- Speaker, “How to Best Protect Your IP Interests: Unveiling the Latest in U.S. Patent and Trade Secret Laws,” presented at The Judge Randall R. Rader 2023 U.S.-China IP Seminars in Beijing and Shenzhen, China, July 2023.
- Panelist, “The Protection of Trade Secrets: A Key Element to Increase the Value of IP Rights,” presented at The Global Intellectual Property (IP) ConfEx in San Francisco, February 2023.
- Panelist, “Enforcement of Intellectual Property,” presented at the Santa Clara Journal of International Law 2022 China and the Reshaping of the International Legal Order Symposium, April 2022.
- “IP and the Public Interest in the COVID-19 Era,” presented at the 2021 Lavender Law IP Law Institute, August 2021.
- Panelist, “Navigating a Job Search in a Post-Pandemic World: A Virtual Conversation,” presented at the Harvard Club of San Francisco, March 2021.
- Panelist, “Foundational and Practical Applications for International Arbitration,” presented at the Santa Clara Journal of International Law 2021 Symposium, March 2021.
- Co-moderator, “The Intersection of Health Care and IP Law,” presented at the 2020 Lavender Law Virtual IP Law Institute, August 2020.
- Keynote speaker, “Out of the Bamboo Closet,” presented at 19th Annual University of Pennsylvania School of Law APALSA Conference, February 2020.
- Speaker, “Navigating the Legal Landscape of Agreements Involving Technology,” presented on webinar hosted by IEEE Technology & Engineering Management Society (TEMS) and the Phoenix section of the TEMS chapter, January 2020.
- Commencement speaker, Marlan and Rosemary Bourns College of Engineering at the University of California Riverside, June 2019.
- Speaker, “Issues to Consider When Dealing with U.S. Patent and Trade Secrets Law,” presented at the 2019 MOFCOM 337 Technical Seminar, Beijing, June 2019.
- Speaker, “Issues to Consider When Dealing with U.S. Patent and Trade Secrets Law,” presented at the 2019 MOFCOM 337 Technical Seminar, Shenzhen, June 2019.

ADDITIONAL BACKGROUND

Before entering the legal profession, David held product management roles with a biotechnology company and leading venture-backed technology startups. During his graduate studies at Stanford University, where he focused on stem cell gene therapy, he co-led the development of the university's first online problem sets. He is also an adjunct professor at the University of San Francisco School of Law.

EDUCATION

- J.D., Santa Clara University School of Law, 2006
- M.S., Stanford University, 1998
- A.B., Harvard College, 1997

ADMISSIONS

- Bar of California
- Registered Foreign Attorney, Taiwan
- United States Bankruptcy Court for the Eastern District of Michigan
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of California
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

LANGUAGES

- Chinese (Mandarin)
- Taiwanese

NEWS & EVENTS

- 14 September 2026, K&L Gates Expands Corporate and Intellectual Property Capabilities With Six-Partner Team Across California and Texas

AREAS OF FOCUS

- IP Litigation
- Food, Drugs, Medical Devices, and Cosmetics (FDA)
- IP Procurement and Portfolio Management
- Pharma and BioPharma Litigation
- Post-Grant Patents
- Technology Transactions and Sourcing

INDUSTRIES

- Consumer Electronics
- Consumer Goods and Services
- Energy
- Financial Services
- Hardware and Semiconductors
- Healthcare
- Household Goods
- Life Sciences
- Technology

REPRESENTATIVE EXPERIENCE

Patent Litigation

- Represented a home furnishings company in a trademark infringement lawsuit involving competing window-covering brands, prevailing at trial with a jury verdict of non-infringement and no unfair competition in favor of the client.
- Represented a global networking and communications company in a patent infringement dispute against a software company, securing a favorable settlement within months of the complaint being filed.

- Represented a leading semiconductor manufacturer in multiple patent infringement lawsuits involving fabrication technologies, successfully transferring the cases from the Eastern District of Texas to the Northern District of California and obtaining dismissal for lack of standing.
- Represented a major US auto parts retailer, a global auto parts distributor, and a Chinese electronics manufacturer in a patent infringement, trade secret, and inventorship lawsuit involving portable modular power station technology.
- Represented internet software companies in a patent infringement action involving cloud computing data storage technology.
- Represented a major US online retailer in declaratory judgment and patent infringement actions involving electronic catalog system technology.
- Represented the developer of a mobile application in a patent infringement lawsuit against a major social media company involving video overlay technology.
- Represented a Taiwanese multinational networking equipment company in a patent infringement lawsuit involving wireless access provisioning technology, securing a favorable settlement within six months of the complaint being filed.
- Represented a world leading bicycle company in a patent infringement action involving exercise equipment technology.
- Represented a data center products manufacturer in a patent infringement lawsuit involving five asserted patents.
- Represented a Taiwanese consumer electronics manufacturer in multiple patent infringement disputes and related inter partes review proceedings, securing a favorable settlement.
- Represented a Taiwanese flash drive manufacturer in a patent infringement dispute involving USB flash drive technology.
- Represented a leading computer hardware manufacturer in a patent infringement lawsuit involving wireless communications technology.
- Represented a Taiwan-based computer manufacturer in a patent infringement lawsuit involving 11 asserted patents relating to computer technologies.
- Represented a network-attached storage appliance manufacturer in a patent infringement lawsuit, securing a favorable settlement within six months of the complaint being filed.
- Represented a telecommunications equipment company in a patent infringement lawsuit involving spread-spectrum high-data-rate technology, securing a favorable settlement within two months of the complaint being filed.
- Represented a leading semiconductor company in a multi-patent lawsuit involving system-on-chip technology supplied to tablet manufacturers.

- Represented a Taiwanese multinational networking equipment company in a multi-patent lawsuit involving networking and communications devices.
- Represented a leading sugar-reduction solutions company in a patent infringement lawsuit involving highly soluble stevia sweeteners.
- Co-led a countersuit on behalf of a major Taiwanese handset manufacturer against a major US computer manufacturer in patent litigation involving operating systems and mobile handset technology.
- Represented a major Taiwanese LED manufacturer in a patent infringement action involving LED manufacturing technology.
- Represented the one of the world's largest sporting goods company in a patent infringement action involving altimeter technology.
- Represented a leading flash drive manufacturer in a patent infringement dispute involving USB flash drive technology.
- Represented one of the world's largest connector manufacturers in litigation involving breach of contract and related claims concerning USB 3.0 technology.
- Represented a major television supplier in patent litigation involving MPEG-2 and ATSC technologies.
- Represented a leading global computer and optical disk drive manufacturers in patent litigation involving optical disk drive technology.
- Represented a leading global disk drive manufacturer in a patent infringement action involving Blu-ray technology.
- Represented a leading US software provider in a patent infringement action involving seven asserted patents related to set-top-box technology.
- Represented a leading Korean semiconductor company in a patent infringement and unfair competition action involving dynamic random-access memory (DRAM) technology.
- Represented a major Japanese printing equipment manufacturer in a patent infringement action involving printer and copier technology.
- Represented a leading pet products company in design patent infringement litigation involving cat home products.

Life Sciences

- Represented one of the largest US generic pharmaceutical companies in Hatch-Waxman litigation involving generic versions of the branded oral contraceptive YAZ.
- Represented one of the largest US generic pharmaceutical companies in Hatch-Waxman litigation involving generic versions of the branded oral contraceptive Yasmin, obtaining dismissal with prejudice of the patent infringement claims on a motion for judgment on the pleadings.

- Represented one of the largest US generic pharmaceutical companies in Hatch-Waxman litigation involving generic versions of the branded oral contraceptive SEASONIQUE.
- Represented a brand-name pharmaceutical company in a Hatch-Waxman patent infringement action involving CARDENE I.V., a treatment for hypertension.
- Represented a major biotechnology company in litigation involving patents directed to human cytomegalovirus (CMV) regulatory sequences.

Copyright Litigation

- Represented a leading US research university and one of its professors in a copyright infringement action, obtaining dismissal of all claims against the clients.
- Represented a major US lighting retailer in a copyright infringement action.

Trade Secret Litigation

- Represented a leading US research university and one of its professors in trade secret litigation involving cannabis technology.
- Represented a leading US research university, one of its professors, and associated employees in trade secret and breach of contract litigation involving cancer therapeutics technology.
- Represented a major electronics manufacturer in a trade secret misappropriation dispute involving power supply technology.
- Represented a leading US research university in litigation involving trade secret, breach of contract, and unfair competition claims related to cancer diagnostic technology, securing a successful outcome for the client.
- Represented a kiosk technology manufacturer in trade secret litigation against a competitor, securing a favorable result for the client.
- Represented one of the world's largest cable modem router manufacturers and its employees in litigation involving trade secret, breach of contract, and unfair competition claims related to cable modem technology, securing a favorable result for the clients.
- Represented a senior scientist in arbitration involving allegations of trade secret misappropriation related to semiconductor materials, prevailing after a two-week evidentiary hearing.

International Arbitration

- Represented a California corporation in international arbitration involving breach of contract claims against multinational companies.
- Represented a Taiwanese motherboard manufacturer in an international arbitration involving product defect claims brought by a German computer manufacturer, prevailing after a five-day hearing.

- Represented a Taiwanese camera manufacturer in an international arbitration involving claims for unpaid products and excess components, securing a favorable outcome for the client.

Breach of Contract

- Represented a Fortune 500 engineering and construction services company in consolidated fraud and breach of contract litigation arising from a software implementation agreement.
- Represented a Taiwanese motherboard manufacturer and its US subsidiary in litigation involving fraud, breach of contract, and related claims asserted by a major electronics retailer.
- Represented a Taiwanese communications equipment manufacturer in litigation involving claims for unpaid products and excess components, securing a favorable outcome for the client.
- Represented an electronics manufacturer in litigation involving claims for unpaid products and excess components, securing a favorable outcome for the client.
- Represented a leading cloud infrastructure provider in litigation involving claims for unpaid products and excess components, securing a favorable outcome for the client.