SpencerFane®

John Picone

Partner

Contact

San Jose (Silicon Valley)

P 408.918.2806 | **F** 408.286.5722

jpicone@spencerfane.com



Overview

John Picone, leader of the Spencer Fane Intellectual Property team, specializes in complex cases that deviate from standard practices and require meticulous research, comprehensive knowledge, and high-level creativity to protect clients' interests. An innovator in strategy development and execution, he blends his extensive mission planning, training, organization, situational awareness, and tactical skills acquired over his decades-long career as a Naval Aviator with his industry insight and courtroom experience to obtain the best possible outcomes.

With an emphasis on intricate litigation cases, John represents clients navigating patent, trademark, and copyright claims; trade secrets; antitrust violations; labor and employment matters; and complex contractual disputes in state and federal courts. He also specializes in technology-centric civil and criminal litigation, armed with an extensive background in semiconductors, software and programming languages, encryption, cellular / wireless technology, mining equipment and processes, avionics, optics, and e-commerce models.

A veteran leader of intellectual property teams, John has received multiple firm and individual honors for his work. He also has the unique experience of serving as an extern in the U.S. Bankruptcy Court, as a member of the San Benito (California) County Panel Public Defender, and as lead special prosecutor with the San Benito County District Attorney's Office. John continues to serve as Special Counsel for the Santa Clara (California) County Public Defender and is an active member of the Intellectual Property Section of the Santa Clara County Bar Association.

His other professional experience includes decorated military service of more than 20 years as a Naval Aviator stationed at the Naval Air Station in Moffett Field, California, flying the U.S. Navy's P-3 "Orion" aircraft.

Education

- Santa Clara University School of Law (J.D.)
- San José State University (M.A.), *summa cum laude*
- Trinity College (B.A.), *faculty honors*

Bar Admissions

- California, 1996

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of Michigan
- 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 Eastern District of Wisconsin

Distinctions

- *Best Lawyers in America*, Commercial Litigation, 2025-2027
- BTI Consulting Group, Client Service All-Star, 2026
- *Daily Journal*, Top Intellectual Property Lawyer, 2025
- *The Recorder*, Intellectual Property Attorney of the Year Finalist, 2026

Presentations and Publications

- "Intellectual Property Attorney of the Year Finalists: John Picone, Spencer Fane," *The Recorder*, June 2026
- Quoted. "Spencer Fane Eyes New Hires to Join Firm's 'Disruptive' IP Strategy," *ManagingIP*, February 2025

Related Experience

- Successfully advanced attempted monopolization claims against a major software company related to its attempts to close open-source software to prevent third parties from providing support for legacy systems that formed the critical backbone of Internet infrastructure.
- Was one of the first practitioners to advance antitrust claims against patent holders who concealed their patent interests or breached disclosure obligations to drive adoption of standards that benefited their intellectual property and then demanded excessive royalties or refused to license competitors.
- Currently prosecuting violations of the California Unfair Practices Act for "below cost selling" in the real estate software transaction market.
- Representing a leading manufacturer of fiber optic measurement systems alleging antitrust violations, theft of trade secrets, and copyright infringement related to fraudulent patent filings and misappropriation.