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SPECIAL ISSUE



LITIGATION DEPARTMENT of the Year

LITIGATION: INTELLECTUAL PROPERTY • Finalist
WILMERHALE

WE WERE CAREFUL WHAT WE asked for and amazed by what we received. For the third time, we set out to pick the Litigation Department of the Year, and for the second time, the best specialty groups in Intellectual Property, Labor and Employment, and Product Liability.

We invited Am Law 200 firms to report on their litigation records between January 1, 2004, and June 30, 2005. Specifically, we asked for no more than five examples of "significant achievements" in six categories, ranging from pretrial work to appellate to pro bono. There were a couple of surprises: ■ The competition was the stiffest yet. The

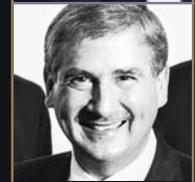
120 entries kept four teams of reporters and editors busy for nearly four months. The choices were very close.

■ Smaller departments dominated the general category. This time their cases and their results were better.

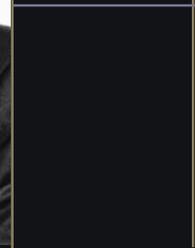
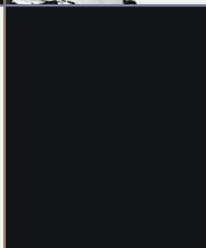
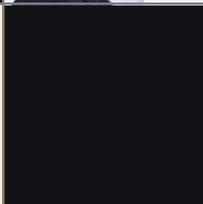
Some things didn't change. In each contest, we whittled down the entries to a shortlist of finalists, and then visited each of them, offering these master advocates the chance to plead their cases. Not all excelled. And once again we asked for client references and, as before, some clients proceeded to scoff at the very firms they knew all too well.

In our special report we present the four winners, the runners-up, and, in the Department of the Year contest, 12 more who merited special attention. Congratulations! And let the appeals begin.

—ARIC PRESS



PHOTOGRAPHS BY DOUGLAS LEVERE



Rescue and Recovery

WILMERHALE'S IP TEAM BRINGS CLIENTS BACK FROM THE BRINK.

BY EMILY FRIEDLANDER

W

ILLIAM LEE ALWAYS wanted to work with Seth Waxman. The two have been friendly since their days as undergrads at Harvard University. And when Waxman stepped down as solicitor general in 2001, Lee, then managing partner at Hale and Dorr, tempted Waxman, who grew up in New England, with an office on Martha's Vineyard and a full docket of appellate patent work. Waxman declined, telling Lee he hadn't done much patent work, and went to Wilmer, Cutler & Pickering. But in May 2004 Hale and Wilmer merged, and Lee finally got his chance. Waxman may have laughed at the mention of patent work, but today his IP practice is no joke. In the time period we looked at, Waxman won three important victories for Monsanto Company in patent litigation over genetically engineered seeds.

For WilmerHale, Waxman's contribution is the icing. The firm had a string of wins at the U.S. Court of Appeals for the Federal Circuit, which hears all patent appeals. Lee had the biggest victory, convincing the court to overturn part of a ruling that invalidated Gemstar-TV Guide International, Inc.'s patents. Hale and Dorr was brought in after Gemstar lost in 2003. After Lee's win, two defendants signed licensing agreements totaling \$340 million.

Rescue and recovery is also a big part of WilmerHale's trial practice. Partner William DiSalvatore, 40, turned around a case for Creo Inc., which specializes in computer-to-plate technology, a process that allows publishers to transfer digital images directly to a printing press without using film photography. Creo was sued by film giant Agfa Corporation for infringing six patents. After examining them, DiSalvatore and James Quarles became convinced that Agfa's technology was based on inventions that Creo, and others, had developed. They countersued, claiming the patents were invalid because, among other things, Agfa hadn't disclosed this information to the Patent and Trademark Office. The team convinced Boston federal court judge George



FROM LEFT: CYNTHIA VREELAND,
WILLIAM DiSALVATORE, LISA PIROZZOLO,
DAVID BASSETT, WILLIAM LEE

O'Toole, Jr., to hold a bench trial on inequitable conduct. After a 17-day trial, O'Toole issued a scathing opinion, finding Agfa's patents unenforceable and awarding Creo \$2.74 million in attorneys' fees.

When we selected Hale and Dorr as a finalist two years ago, we dubbed Bill Lee "Superman," remarking on the number of trials he first-chaired. This time around, Lee emphasized the contribution of his partners, singling out Cynthia Vreeland. In May 2004 Lee and Vreeland won a jury verdict for EMC Corporation in a patent trial against Hewlett-Packard Company, which settled, along with another case in California, in May 2005 with HP paying \$325 million. One month after that trial, Vreeland first-chaired—and won—a non-IP trial for Ocean Spray Cranberries, Inc. Two months later, she won a patent suit for Wolfson Electronics plc at the International Trade Commission. The tough caseload may have earned Vreeland Wonderwoman status, but Lee is still

PRACTICE GROUP SIZE

Partners: **50**
Associates: **85**

PRACTICE GROUP AS PERCENT OF FIRM

Partners: **15%**
Associates: **12%**

ESTIMATED PERCENT OF FIRM REVENUE 2005

14%

WilmerHale's branded IP superhero. Although, at the rate Waxman's going, Lee might soon have some competition—just like he wanted.

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