



INTELLECTUAL PROPERTY HOT LIST

A SPECIAL REPORT

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WilmerHale

The National Law Journal presents its second annual Intellectual Property Hot List. Among this year's group you'll find 20 law firms that have demonstrated creative, formidable talent in litigation, patent prosecution and deal-making. Some of the top teams operate within giant, full-service law firms with offices throughout the world; others practice at small shops that focus solely on intellectual property matters. Whatever their size, these firms' cases often have billions at stake, and patents involving impressive advancements in science and technology including ground-breaking pharmaceuticals; the contents of the food we put on our tables; and the ways we communicate with each other.

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When trying a patent case, Wilmer Cutler Pickering Hale and Dorr partner William Lee reminds new firm lawyers that they're playing to three audiences: the jury, the judge and the court of appeals.

"You have to give each of them what they need to make a decision," Lee said. "You offer the evidence and the proof to establish each element, but it all needs to be built around a narrative theme and story...that they find interesting and compelling."

It's an approach that's yielded tremendous results for WilmerHale, which last year represented Apple Inc. in a massive patent-infringement case involving smartphones and tablets against Samsung Electronics Co. in federal court in San Jose, Calif. Along with co-counsel from Morrison & Foerster, Lee and his team (including partners Mark Selwyn, James Quarles, Nina Tallon, Joseph Mueller, Lauren Fletcher and Gregory Lantier) helped secure a \$1.05 billion jury verdict for Apple.

Judge Lucy Koh later reduced Apple's damages to \$639 million (\$599 million initially, adding another \$40.5 million last week) and ordered a new trial for damages for certain infringing Samsung products, to take place in November. WilmerHale lawyers are working on the matter, as well as another 12-day trial on additional patent-infringement claims that's set for March 31, 2014.

It's not the only intellectual property work WilmerHale handled for Apple last year. In September, an administrative law judge at the International Trade Commission held that Apple's iPhones, iPads and iPod Touches did not infringe any of the four patents asserted by Samsung. The 644-page decision, which is now being reviewed by

the commission's six politically appointed commissioners, followed a two-week trial with more than 80 witnesses and 1,000 exhibits. The judge found that Samsung didn't even use the patents in its own products, which meant there was no domestic industry for the inventions.

In another ITC case, WilmerHale lawyers defended Apple, Hewlett-Packard Co. and Intel Corp. against patent-infringement charges by a tiny nonpracticing entity, X2Y Attenuators. In December, the administrative law judge found that none of the patents at issue were infringed and that two in fact were invalid. Kenyon & Kenyon was co-counsel for Apple.

WilmerHale, which has about 75 IP lawyers holding technical degrees plus another 150 IP litigators, also chalked up intellectual property victories last year for General Electric Co., MediaTek Inc. and Research In Motion Ltd.

—Jenna Greene

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