

IP Group Of The Year: WilmerHale

By Kelly Knaub

Law360, New York (February 8, 2016, 5:53 PM ET) -- Securing several huge wins on behalf of Apple in patent litigation and a complete victory for GoDaddy.com against a \$29 million claim in a cybersquatting suit from the Academy of Motion Picture Arts and Sciences has earned WilmerHale a spot among Law360's 2015 Intellectual Property Groups of the Year.



In March, WilmerHale won a jury verdict finding that Apple Inc. did not infringe five of Core Wireless Licensing Sarl's patents related to modern cellular network standards. Core Wireless, which had sought more than \$100 million in damages, had asserted 14 patents against the tech giant on the grounds that they were essential to practicing industry standards but dropped nine of them in pretrial proceedings. The jury returned a finding of noninfringement on the five remaining patents in just five hours of deliberation.

WilmerHale also earned a big victory for Apple in May when the Federal Circuit upheld a jury's finding that Samsung Electronics Co. Ltd.'s smartphones infringed Apple's utility and design patents and \$548 million of the damages that Apple had won during two trials in 2012 and 2013.

Four months later, Apple won a ruling from the Federal Circuit that a California federal judge should have issued a permanent injunction against Samsung following the May 2014 jury verdict that Samsung had infringed three of Apple's iPhone patents.

In September, WilmerHale obtained a significant triumph for GoDaddy.com when a California federal judge ruled that the motion picture academy failed to prove that the domain registrar had acted with a bad-faith intent to profit off its marks. The judge also found that GoDaddy showed it acted with a good-faith belief that its use of the challenged domain names was fair use or otherwise lawful.

"We achieved a total victory for GoDaddy against the \$29 million claim that was brought by the Academy of Motion Pictures Arts and Sciences under the Anticybersquatting Consumer Protection Act,"

Mark Selwyn, co-chair of the firm's IP Litigation Group, told Law360. "It was a complete win for our client."

WilmerHale also scored a huge win for Intel Corp. in December 2014 when the Federal Circuit vacated the district court's award of damages and an ongoing royalty in a case brought by Ericsson Inc. over three WiFi-related standard-essential patents. The firm said the ruling is one of the most significant damages decisions that the appellate court has issued in recent years.

It also prevailed in a trial for Intel subsidiary McAfee Inc. in a patent infringement case brought by nonpracticing entity TVIIM LLC when a jury found in July that McAfee didn't infringe TVIIM's patent on computer security software and that three patent claims were invalid. Last month, TVIIM lost its bid for a new trial.

The firm also obtained a victory for Marvel Entertainment LLC at the Supreme Court in a dispute over patent royalties for a Spider-Man toy called the Web Blaster and garnered, along with Brooks Kushman PC, a win for Ford Motor Co. when a Washington federal judge found that the automaker had not infringed any of the asserted patents in the case brought by Eagle Harbor Holdings LLC.

The law firm, which landed among Law360's IP Groups of the Year for the fifth time in six years, has 166 attorneys in its IP group throughout its offices in the U.S. and Europe. Although the head count hasn't changed much from last year, the firm has added three laterals in Denver and one in Los Angeles, which Selwyn said represents an important expansion of the practice by having a significant presence in the Rocky Mountains and by having substantial expertise in Los Angeles in the medical device field.

Selwyn said the firm expects the practice to continue to grow throughout its U.S. offices and in Europe, saying IP litigation is becoming increasingly global, especially in competitor-to-competitor disputes. The team has lawyers in the U.K. and Germany who have represented clients in high courts in those countries and the Court of Justice of the European Union, and it has one of the premier international arbitration practices, which often is representing clients in significant IP disputes, Selwyn said.

"We expect to continue to expand these international aspects of our practice and to be able to provide our clients with what we think is a truly integrated team of lawyers who work effectively across jurisdictions," Selwyn said.

--Additional reporting by Michael Lipkin, Kurt Orzeck, Ryan Davis, Bill Donahue, Allissa Wickham and Bonnie Eslinger. Editing by Brian Baresch.
