

## Eye-Popping IP Prowess: IP Litigation Department of the Year Winner WilmerHale

By Alexander Lugo

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**W**hen Gilead Sciences was sued by the federal government for \$1 billion regarding alleged patent violations, the company turned to intellectual property litigators at Wilmer Cutler Pickering Hale and Dorr for its defense.

The case—the first time the government sued a pharmaceutical company for patent infringement—was closely watched by the industry because a loss for Gilead could have meant a disruption in the long history of pharmaceutical companies collaborating with the government to make drugs. But the team at Wilmer was able to pull off a win for the drug company in May.

“We had the good fortune of really having a series of phenomenal victories in the course of the year and we’re quite proud of what we were able to put together,” says Mark Selwyn, co-chair of the intellectual property litigation practice. “We [worked on] cases that received a tremendous amount of attention. They often involved very big dollars or really some history-setting aspect to them.”



**(l-r) Emily Whelan, Gregory Lantier, David Bassett, Amy Wigmore, Jordan Hirsch, Brittany Amadi, and Joseph Mueller, partners with WilmerHale. November 2, 2023.**

With clients such as Apple and PNC Bank in addition to Gilead, the practice group is keeping busy with high-profile cases spread throughout several sectors. As those clients face bigger dollar values and more complicated matters in their disputes, the team has been hard at work.

The team helped Apple beat a \$500 million suit in March in a case brought by cybersecurity company VirnetX. Many of the cases involved hundreds of millions of dollars, some

even exceeding billions. The team also helped Cisco Systems overturn a \$2.75 billion verdict, the largest award handed down in the history of U.S. patent cases.

“In the last few years, we have seen more big-dollar verdicts, and we’ve been involved in a number of them now,” Selwyn says. “We were successful in getting some rather eye-popping damages verdicts reversed on appeal, and I think that’s also a hallmark of our practice that for a number of the cases that we do, it really is a marathon, and we stick with it.”

And adding to challenge is that the technology involved in these cases is becoming more complicated.

“One of the things that’s important is letting the witnesses do the talking and explaining the hard work that they have done if you’re trying to explain independent development, for example, of a product,” he says. “We’re using

graphics and other aids to help take what is often very complicated technology and put it in a form that is going to be readily understood by people.”

As cases become more complex for the team, the volume is also increasing. In 2022, the group contributed more than 19% of the entire firm’s revenue stream. The firm prides itself on being able to serve returning clients, but Selwyn also says that new clients are also driving growth.

“We’ve seen that growth come from expanding our work in trade secret litigation, copyright litigation, trademark litigation, as well as the work that we do, together with our colleagues outside the U.S.,” Selwyn says. “And that’s something that we think is here to stay, that there will continue to be growth in the cases that have a U.S. dimension together with the dimension of litigation outside the U.S.”