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## Seth Waxman Named Among *Law360*'s Appellate MVPs of the Year

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*Law360* named Partner and Former Solicitor General [Seth Waxman](#) as an Appellate MVP of the Year. *Law360*'s annual MVP contest recognizes the most elite attorneys in a wide range of practice areas who have had the most impressive successes in high-stakes litigation, record-breaking deals and complex global matters.

*Law360* stated that Waxman, "has handled more major appellate cases this year than many attorneys do in a lifetime, scoring Supreme Court victories that changed the legal landscape in areas including food, product liability and intellectual property."

The matters highlighting Waxman's victories include the closely-watched case [POM Wonderful LLC \(POM\) v. The Coca-Cola Co.](#) The US Supreme Court ruled unanimously June 2014 in favor of POM in this significant case involving the intersection of the Lanham Act's prohibition on false advertising and the Federal Food, Drug, and Cosmetic Act's (FDCA) regulation of food and beverage labeling.

Another landmark victory was in [Medtronic Inc. v. Mirowski Family Ventures, LLC](#) when Waxman represented Medtronic in challenging a Federal Circuit decision that it had the burden of proving it did not infringe patents licensed from Mirowski Family Ventures, since the license precludes Mirowski from countersuing for infringement. Waxman successfully argued before the Supreme Court in November 2013 that the Federal Circuit imposed a rule that licenses bear the burden of proof in such cases, when no court had ever held that the burden falls on anyone but the patentee.

"That was error," Waxman said during the Medtronic argument. "The burden of proof in MedImmune actions, like all other declaratory actions, remains where it would have rested in the equivalent coercive suit brought by that patentee."

While these cases generated the most press, it's not inclusive of his significant work from the past year. Waxman relayed to *Law360* his most rewarding work was his Supreme Court pro bono victory in *Hall v. Florida*. "The case had implications for death row inmates nationwide," Waxman said.

He represented a death row inmate in the case and won a 5-4 decision that shot down Florida's use of the clinically arbitrary IQ test value of 70 as the cutoff for determining intellectual disability for execution purposes.

*Law360's* profile, entitled "Appellate MVP: WilmerHale's Seth Waxman," details a number of Waxman's successes from the past year and can be found at [www.law360.com](http://www.law360.com).