

The National Law Journal Names WilmerHale to 2012 Appellate Hot List

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For the fifth consecutive year, WilmerHale has been named to *The National Law Journal's* Appellate Hot List, which honors firms that have achieved significant appellate wins during the past year and have an impressive track record overall.

WilmerHale was recognized as an “appellate powerhouse” for its standout performance, especially during the second week of June in 2011. During that time, the firm secured landmark victories for two patent cases before the US Supreme Court.

The first was a win for client Roche Molecular Systems, Inc., which was sued by Stanford University for infringing a patent to certain HIV testing technology. Partner [Mark Fleming](#) convinced the high court that the Bayh-Dole Act doesn't automatically vest patent rights to federal contractors. This ruling marked the first time the Supreme Court had affirmed the Federal Circuit in a patent case, despite the urging of the US Solicitor General to reverse the lower court's ruling.

Days later, Partner [Seth Waxman](#) argued a closely-watched case for i4i, which had sued Microsoft Corp. for infringing its patent on computer editing software. The Supreme Court ruled that alleged patent invalidity must be proven by clear and convincing evidence, and the matter resulted in a \$290 million jury verdict for i4i.

“The Federal Circuit has been the whipping boy of the Supreme Court, in particular with patent cases where the Federal Circuit has ruled for the patent owner. We were unlikely to win either case, and we won both,” Waxman said of the matters, according to the Journal.

The firm's numerous pro bono victories, and its successful start to 2012, also weighed into the ranking. In January, Waxman argued before the Supreme Court on behalf of ABC Inc., which received a \$1.24 million fine from the Federal Communications Commission for broadcasting a scene with brief nudity in a 2003 episode of *NYPD Blue*.

Last month *The National Law Journal* also honored WilmerHale in its [2012 Intellectual Property Hot List](#). Click [here](#) to read more about the Appellate Practice's standout performances. The complete Appellate Hot List can be viewed at [The National Law Journal's website](#).