
WilmerHale 2012 in Review

2013-02-04

Dear Clients and Friends,

As another busy year gathers momentum, we are pleased to report to you on some of the firm's key achievements of the past 12 months. In 2012, we were privileged to gain a fresh appreciation for the depth and breadth of our practices, the financial strength of our firm, and the loyalty of our remarkable clients, from our new vantage as co-managing partners. It was an exciting year, as our lawyers and staff responded with enthusiasm and dedication to the continued strong demand for our services, and our clients and friends showed their ongoing support in countless ways.

In 2012, our work reflected both the depth and caliber of our core practices, and the scope of what we are able to accomplish when our lawyers collaborate across disciplines. Clients entrusted us with high-stakes legal challenges at the intersection of the firm's signature areas of greatest strength. We defended Apple in its global patent fight with Samsung and secured victories on multiple fronts. We tried the closely watched federal court trial in San Jose, in which [Apple defeated all of Samsung's claims of infringement and obtained a jury award of more than \\$1 billion on Apple's claims](#). In total, of the 19 patents asserted by Samsung against Apple in the United States, Samsung has prevailed on none. Our regulatory, transactional, securities and investigations experience converged in our representation of HSBC in connection with Department of Justice and Senate inquiries. We led the response of a number of the largest domestic financial institutions to banking agency inquiries into the foreclosure crisis and settlement negotiations; represented Japanese auto parts firm Denso and its US subsidiary in a criminal antitrust investigation and civil class action litigation; and represented the Audit Committee of Best Buy in an internal investigation into allegations of inappropriate conduct by the company's then-CEO.

WilmerHale [moved its New York location from Midtown to Downtown](#) in July, when we opened our [LEED® Gold Certified offices](#) at 7 World Trade Center, unveiling a technologically advanced and collaborative space from which to provide the highest-quality service to our New York area clients. We celebrated [the resounding success of our innovative Business Services Center \(BSC\)](#) on the second anniversary of its opening in the Dayton, Ohio, area. The BSC continues to grow as a critical hub of many of our business and legal functions, and—due to client demand—now includes an expanded team of 70 talented discovery attorneys working extensively with [WilmerHale DiscoverySolutions](#) to provide efficient and effective in-house discovery services that touch

numerous matters across offices and practice groups. The launch of a new program in 2012 also brought patent prosecution resources to the BSC, with the addition of intellectual property lawyers in Dayton to provide valuable support to our IP teams across the firm. Throughout the year, many of our clients continued to take advantage of the variety of alternative fee arrangements that we offer in order to provide more predictable fees, reduce billing complexities and improve the alignment of cost and value in the provision of legal services.

We are grateful for the exceptional dedication and hard work of our legal departments, which grew in both strength and numbers in 2012, thanks in part to the arrival of [a distinguished group of senior lateral attorneys](#) who added significant new capabilities in each of our major areas of practice. As our intellectual capital grew, so too did our service offerings, with the launch of the [Strategic Response and Counseling Group](#), a bipartisan team of attorneys with extensive senior-level experience both in the Executive Branch and on Capitol Hill. As is a hallmark of our firm, the group assists clients in navigating multifaceted challenges with legal, public policy and media dimensions.

We proudly present our accomplishments for the year:

Litigation/Controversy. The firm demonstrated the breadth and depth of its litigation capabilities in 2012 as our busy teams took 14 cases to trial, securing high-profile wins across the United States and internationally. We made more than 35 oral arguments in 11 different state and federal appellate courts, clinching many victories. Our appellate team filed 40 US Supreme Court briefs throughout the year and argued four cases before the Court in the last completed term, while our international arbitration lawyers managed an international commercial and investment arbitration portfolio of more than 80 active cases with more than \$84 billion in dispute. We invite you to view a list of our Litigation/Controversy highlights.

Intellectual Property. Our Intellectual Property Department had a busy year as the technical, scientific and IP law hub of the firm. In addition to playing a critical role in some of the most high-profile patent litigation matters to unfold in the United States and internationally—including cases for Facebook, GE and Intel—our intellectual property lawyers helped clients navigate the far-reaching changes ushered in by the passage of the America Invents Act. Our patent prosecution practice continued to grow, as our attorneys filed 13% more patent applications and obtained 34% more patents than in 2011, and represented multiple clients in *inter partes* review proceedings before the newly constituted Patent Trial and Appeal Board. Our US and EU trademark practices handled a high volume of applications, opposition and cancellation proceedings, infringement litigation, and other contested matters. We invite you to view a list of our Intellectual Property highlights.

Regulatory and Government Affairs. The firm's regulatory and policy expertise was at the core of many of the year's most significant matters. We continued our work for BP in the aftermath of the Deepwater Horizon accident, while addressing congressional and other inquiries for HSBC and a number of the largest domestic financial institutions. We handled significant antitrust litigation; helped clients in the United States and Europe respond to civil and criminal antitrust probes in the automotive, shipping, financial, rail and natural gas industries, among others; and assisted with merger clearance filings for major acquisitions. Clients like AT&T and Verizon turned to us for

spectrum auction, network transition and net neutrality work. [We represented a growing number of clients in matters before the new Consumer Financial Protection Bureau and the Committee on Foreign Investment in the United States.](#) We helped cleantech companies navigate the regulatory approval process for alternative energy projects; handled government contract matters across a range of industries and government agencies; and assisted many clients with compliance and enforcement issues related to US economic sanctions, export controls and trade policy. We invite you to view a list of our Regulatory and Government Affairs highlights.

Securities. Our Securities Department continued to work with our clients to respond to some of the most sensitive and high-stakes government investigations into the banking and financial services industry. We assisted in the successful resolution of a number of multi-year enforcement investigations, with no charges filed, and fielded sophisticated cross-disciplinary teams to address ongoing matters spanning multiple continents, and involving multiple government agencies and regulatory bodies. Among many other significant matters, we secured the dismissal of a number of securities class action lawsuits; successfully defended clients in lawsuits seeking to enjoin merger transactions; and continued our pro bono representation of a Washington DC–based children's charity that lost half of its endowment to a Ponzi scheme in the wake of the global financial crisis. We invite you to view a list of our Securities highlights.

Transactional. It was an active and successful year for our transactional lawyers, who served as issuers' counsel or underwriters' counsel in more than 30 public offerings and Rule 144A placements raising approximately \$10 billion in 2012; advised on more than 100 M&A transactions in the United States, Asia and Europe with an aggregate value of approximately \$15 billion; completed more than 200 venture capital financings with an aggregate value of approximately \$1.5 billion; and negotiated more than 100 significant technology transactions and licensing deals in the life sciences and high-tech industries. Among many other matters, we closed numerous funds for fund sponsors and investors; represented an array of leading financial institutions in precedent-setting, multi-billion-dollar bankruptcy litigation; and handled major real estate transactions. We invite you to view a list of our Transactional highlights.

Pro Bono and Community Service. We continued to represent our many pro bono clients in the highest tradition of the profession, exceeding the 5% billable-hour-equivalent benchmark set by the Pro Bono Institute's Law Firm Pro Bono Challenge. [The firm achieved a significant victory on behalf of the Commonwealth of Massachusetts](#) when the First Circuit unanimously held the federal Defense of Marriage Act (DOMA) unconstitutional. [On behalf of the Coalition for the Homeless, we worked with co-counsel to successfully block New York City's adoption of new, restrictive shelter eligibility rules.](#) Advocating at all levels of appeal, from the Veterans Administration through the Federal Circuit, our lawyers secured important rights and benefits for disabled veterans and their families. On the international front, we represented First Step Economic Opportunity Zone in negotiations with the government of Sierra Leone for the construction of a steel plant intended to boost industry, jobs and infrastructure in the aftermath of that nation's civil war. [We invite you to view a list of our Pro Bono and Community Service highlights.](#)

We thank you for continuing to entrust us with the challenging and important matters that are pivotal

to your success. We look forward to embracing the opportunities that a new year brings, and reaffirm our commitment to meeting your expectations for the highest-quality work and service in 2013.

Handwritten signatures of Susan W. Murley and Robert T. Novick in black ink.

Susan W. Murley
Co-Managing Partner

Robert T. Novick
Co-Managing Partner