
WilmerHale 2013 in Review

2014-02-03

Dear Clients and Friends,

In 2014, we will celebrate the 10th anniversary of the formation of WilmerHale through [the merger of our two A-List predecessor firms](#). The past 12 months represent the culmination of a decade of growth that has borne out the promise of this historic merger, as our combined strengths have forged a firm greater than the sum of its distinguished parts. There is no better illustration of the firm we are today than the depth, scope and significance of the matters entrusted to us in 2013 by our remarkable clients. We are pleased to share some of our highlights.

Our largest matters of 2013 drew on the signature strengths of our world-class legal departments to address our clients' most complex and high-profile legal challenges. We led JPMorgan's response to law enforcement and regulatory investigations arising from the so-called "London Whale" trading losses incurred by JPMorgan's Chief Investment Office in 2012. We added to our long string of wins for Apple in its global patent infringement battle with Samsung, advancing Apple's case across four continents and multiple legal venues—just one facet of a body of work that earned us the title of [The American Lawyer's "Intellectual Property Litigation Department of the Year."](#) We secured a succession of United States Supreme Court wins, and continued our representation of Japan-based auto parts maker DENSO in a cartel investigation described by the US Department of Justice as the largest in history. At the same time, we guided financial services companies in cutting-edge matters, such as [the business combination of longstanding client Direct Edge with BATS Global Markets](#) to create the second-largest equity exchange operator in the United States, a complex transaction in which we provided corporate, [antitrust](#), employment, tax and securities regulatory advice.

Throughout the year we attracted [a notable group of senior lateral attorneys](#) to the firm, reinforcing the depth and stature of each of our practices, and [established a Denver, Colorado, office](#) to enhance our service to clients in the western United States.

Each of our legal departments made critical contributions to our success in 2013:

Litigation/Controversy. [Our litigators reaped accolades](#), winning decisive victories, record-setting damages awards and favorable settlements at all levels of the justice system and across diverse

subject matter and geographies. Highlights ranged from a [\\$2.15 billion damages settlement, believed to be the largest ever in a patent case, for Pfizer and Takeda](#), relating to at-risk US generic launches of Protonix®, to our successful defense of Facebook in response to challenges by German data protection authorities. It was a stellar year for our trial teams. We tried 17 cases, achieving victories in 12 and settling two favorably during trial, with three decisions pending. Our Appellate and Supreme Court Litigation Group secured headline-making US Supreme Court victories in matters ranging from [biotech patents](#) to [First Amendment rights](#) and [marriage equality](#), and participated in a total of 41 arguments in 14 different state and federal appellate courts. Our premier International Arbitration Practice managed a portfolio of more than 80 active arbitrations in international venues, with claims totaling more than \$85 billion, and obtained a series of significant wins, including [a major victory for Swatch Group](#) in which the Netherlands Arbitration Institute ordered Tiffany & Co. to pay our client \$449.5 million for undermining a joint venture between the two companies.

Intellectual Property. The [technical, scientific](#) and core intellectual property experience of our IP lawyers was vital to our success in 2013. Our Intellectual Property Department cemented our leading position among general practice firms in the emerging area of [post-grant proceedings](#), which represent one of the most significant changes to the US patent system since 1952. We filed 29 requests for *inter partes* review with the US Patent and Trademark Office for clients such as Broadcom, EMC, Smith & Nephew, and VMware, as well as six covered business method petitions for PNC and other financial institutions. We continued to work across disciplines to support the firm's IP litigation, corporate, emerging company and financial technology clients with key IP advice, including pre-litigation and patent analysis for major clients engaged in high-profile patent litigation. Our patent prosecution practice grew, as we filed nearly 25% more patent applications and obtained 33% more patents than in 2012. We strengthened the critical nexus between our thriving US and European trademark practices, collaborating on complex cross-border matters, and provided sophisticated IP advice to clients in China, Japan and Singapore in areas ranging from molecular biology to geophysics.

Regulatory and Government Affairs. In 2013, we expanded our capabilities in the areas of [energy, lobbying and FDA regulation](#), boosting our capacity to assist clients with their most sophisticated legislative and policy matters. We continued our work on behalf of several of the world's largest global financial institutions addressing congressional and other regulatory inquiries. Our lawyers helped clients in the United States and Europe respond to civil and criminal antitrust probes in the automotive, shipping, financial, rail, natural gas and other industries, and assisted leading companies with merger clearance filings for major acquisitions. We advised many clients on privacy law and cybersecurity, both in the United States and Europe. An increasing number of clients turned to us for representation in cases before the Committee on Foreign Investment in the United States, sought our help in navigating the regulatory approval process for clean energy projects, and relied on our assistance with compliance and enforcement matters involving US economic sanctions, export controls and trade policy.

Securities. Our securities lawyers represented clients in sensitive litigation and significant government inquiries relating to accounting and disclosure issues, M&A litigation, securities class

action lawsuits and futures enforcement matters. Our work for JPMorgan on the "London Whale" matter spanned several fronts, as we advised our client in responding to the investigation by the US Senate Permanent Subcommittee on Investigations; conducted an internal investigation into the losses and assisted JPMorgan with the issuance of its Management Task Force Report; and negotiated settlements with the US Securities and Exchange Commission, the Office of the Comptroller of the Currency, the Federal Reserve, and the UK's Financial Conduct Authority. While many of our successes in 2013 came from convincing the government to close investigations without action, we also litigated a number of matters and prevailed against the SEC in each case. Our victories included [a comprehensive defense verdict obtained with co-counsel in favor of Stephen M. Kovzan](#), the Chief Financial Officer of NIC Inc., and the dismissal of all claims asserted by the SEC against a UBS Puerto Rico executive. We boosted our [trial capabilities and our futures and derivatives experience](#) to help our clients meet the pressures of this period of notable regulatory change in the financial markets.

Transactional. We continued to maintain our focus on the technology, life sciences and financial services sectors, and strengthened our capabilities in [disclosure and corporate finance, venture capital, and emerging company representation](#). In each of these areas, all of our Transactional practice groups—Bankruptcy and Financial Restructuring, Corporate, Labor and Employment, Real Estate, and Tax—played a significant role. We added more than 300 emerging technology companies to our client list in 2013, and worked on more than 150 financings for companies on the cutting edge of developments in mobile technology, robotics, cybersecurity, digital media, software and clean technology, with leading tech investors like Atlas Venture, General Catalyst Partners, Khosla Ventures, New Enterprise Associates and Spark Capital. [Our life sciences practice earned accolades](#), as we worked with more than 175 private and public life sciences companies, serving as counsel on seven IPOs in this industry and handling acquisitions and technology transfers with an aggregate value of approximately \$7 billion. We provided sophisticated advice to financial institutions on the most complex transactions, financial restructurings and related litigation. Highlights included our resolution of the Getty Petroleum bankruptcy, our successful defense of massive litigation coming out of the Idearc bankruptcy, and our representation of [Direct Edge in its merger with rival stock exchange BATS Global Markets](#).

Pro Bono and Community Service. We demonstrated our steadfast commitment to pro bono and community service, with diverse efforts spanning many areas of need. Among many successes, our lawyers secured a series of important wins related to [marriage equality and equal benefits for gay and lesbian veterans and their spouses](#), and obtained a significant [First Amendment victory at the US Supreme Court](#). We helped [dozens of individuals sentenced as juveniles to mandatory life without parole](#); worked with the Southern Poverty Law Center to secure system-wide reforms to the Mobile, Alabama, public school system; and handled important matters on issues ranging from civil rights to [immigration](#), California's "three strikes" reform, and disability benefits for disabled veterans. At the same time, we undertook a structured effort to [assist human trafficking victims](#) on several fronts and celebrated [the 15th anniversary of our Youth and Education Initiative](#), which has made a decisive impact on the educational and career opportunities available to youth in our local communities.

We are grateful to the exceptional community of clients and friends who have been part of our 10 years of growth as WilmerHale. We look forward to building on what we have achieved, and to reporting back to you on what we trust will be a successful 2014.

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