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## WilmerHale Scores High Court Double Victory in One Week with i4i Win Against Microsoft

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A unanimous US Supreme Court ruled in favor of WilmerHale client i4i Limited Partnership in a closely watched patent suit brought by Microsoft. The i4i victory marks the second Supreme Court patent victory that WilmerHale appellate and IP attorneys achieved in just one week.

The case, *Microsoft Corp. v. i4i Limited Partnership*, which garnered a great deal of amicus and media attention, presented the question of whether an alleged patent infringer's invalidity defense must be proved by clear and convincing evidence. This outcome has a dramatic impact on the stability and value of patent rights, and the incentives to innovate across numerous sectors of the economy.

At issue in the i4i case was i4i's patent on an improved method for editing certain computer documents. i4i sued Microsoft for infringing this patent with certain versions of Word. Microsoft claimed the patent was invalid, and pointed to i4i's sale of a different product, titled S4, in the US a year before i4i filed the patent application at issue. The jury sided with i4i, finding willful infringement, rejecting Microsoft's invalidity claim, and awarding i4i \$200 million in damages (now upwards of \$300 million with enhanced damages and interest). The district court entered judgment on the verdict and also entered a preliminary injunction. Later, the Federal Circuit rejected Microsoft's argument and affirmed the district court. WilmerHale was engaged by i4i to defend the Federal Circuit's judgment in the Supreme Court.

WilmerHale Partner [Seth Waxman](#) argued the case in the Supreme Court on April 18, 2011. With him on the team were Partner [Paul Wolfson](#), Counsel [Daniel Volchok](#), and Senior Associate [Arthur Coviello](#). With WilmerHale on the briefs were co-counsel from Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.; McKool Smith P.C.; and Sterne, Kessler, Goldstein & Fox PLLC.

This major decision follows the announcement earlier this week that WilmerHale client Roche Molecular Systems also prevailed in the Supreme Court. The case, *Stanford University v. Roche Molecular Systems*, involved patent rights to inventions developed using federal funds. The dispute centered on tests for measuring the efficacy of HIV treatments and resulted in a decisive ruling in favor of Roche. It was the first patent case in which the Supreme Court affirmed the Federal Circuit

notwithstanding the solicitor general urging reversal.

WilmerHale Partner [Mark Fleming](#) argued the Roche case in the Supreme Court. The WilmerHale team also included Partner [Paul Wolfson](#), Counsel [Greg Lantier](#) and Associate [Adam Romero](#).