

INTELLECTUAL PROPERTY **HOT LIST**



A SPECIAL REPORT

Even law firms rooted in the 19th and early 20th centuries—and steeped in traditional practices—have become leaders on the latest trends in intellectual property law, fiercely battling a decidedly 21st century development: patent trolls. We received dozens of nominations for our annual list of the hottest IP firms, and after extensive research concluded the 20 listed below deserved the accolade. Many rank among the most venerable in the country. Apparently that’s no bar to life on the cutting edge.

KIRKLAND & ELLIS

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STEVEN CHERNY

Kirkland & Ellis

When thousands of fast food restaurant outlets, coffee shops and hotels were hit with letters demanding \$2,300 apiece for Wi-Fi licensing, Kirkland & Ellis came to the rescue. The letters were from Innovatio IP Ventures LLC, a nonpracticing entity targeting the end users of wireless network-access technology.

Moving to defend their customers, Cisco Systems Inc., Motorola Solutions Inc. and Netgear Inc. tapped Kirkland to spearhead the multidistrict litigation in the U.S. District Court for the Northern District of Illinois, where Kirkland also represented defendants including McDonald's Corp. and Starbucks Coffee Co.

The result was a groundbreaking decision by U.S. District Court Judge James Holderman defining what it means for a patent to qualify as standard essential and how to determine its price—not to mention a bargain-basement settlement for Cisco.

“The whole area of standards is of crucial importance to the economy and law now,” Kirkland partner Steven Cherny said. “Judge Holderman was very willing to be creative and work with us.”

The judge split the proceedings, first determining that the patents at issue were essential—that is, necessary to implement technical standards. That triggered an obligation to license them at a reasonable and nondiscriminatory rate, which the judge set at 9.56 cents per Wi-Fi chip, compared to \$2,300 initially demanded. The judge's methodology, Cherny said, is already being cited by courts around the country.

In February, the case settled for \$2.7 million, although Cisco also spent \$13 million to litigate the case. Cisco General Counsel Mark Chandler in his blog wrote, “I'm proud that we stepped up for our customers and appreciate the great job that our counsel at Kirkland & Ellis did for us.”

Kirkland IP lawyers led by partner Gregory Arovos also racked up a win for Alcatel-Lucent USA in the U.S. District Court for the Eastern District of Texas. After a six-day trial, a jury found Alcatel and co-defendants HTC Corp., Sony Corp. and Ericsson A.B. did not infringe four Wi-Lan Inc. patents alleged to be essential to cellular wireless standards, and that three of the patents were invalid. After the win, Kirkland helped Alcatel settle two other suits by Wi-Lan.

—JENNA GREENE

“When speaking to judges and juries, don't speak like a lawyer; speak like a person. Just explain in plain English what happened, why you are right and why they should help you. If they understand what you want and why you are right they will find a way to help you.”

—STEVEN CHERNY

FIRM FACTS:

■ Year founded: 1909 ■ Headquarters: Chicago ■ Total attorneys: 1,582 ■ IP partners: 113 ■ IP associates: 135 ■ Patent agents: 0