

CHICAGO LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The National Law Journal spotlights seven law firms with Chicago-based lawyers that demonstrate excellence in litigation and in five key practice areas: mass torts/products liability, intellectual property, labor & employment, insurance and white-collar defense. Lawyers represent an automaker in high-stakes ignition-switch litigation (the plaintiff in the first bellwether trial dismissed his case). They defeated the first concussion class action in the nation against a statewide high school athletic association. And they helped a tobacco manufacturer reach an agreement that resolves claims against it in a federal court, among other notable developments.

KIRKLAND & ELLIS

INTELLECTUAL PROPERTY

In 2015, Kirkland & Ellis partners Amanda Hollis and Steven Cherny won a rare preliminary injunction for their clients C.R. Bard Inc. and Davol Inc. barring sales of CryoLife Inc.'s competitive blood-clotting product. The judge called the injunction an "extraordinary" remedy. That word also captures the successes of the firm's Chicago intellectual property practice team in the past year.

How does the 55-member team do it? "Let's start with an extraordinarily talented group," said partner and team member Luke Dauchot. "It's not only talented from a legal perspective but pragmatic as well—meaning the group understands that litigation is not an end to itself; the clients' business goals are the end.

"And, third, we are diversified, covering virtually every aspect you can think of relevant to intellectual property—not just trial court litigation," he said. "We have quite a bit of experience with the [U.S. Court of Appeals for the] Federal Circuit and [inter partes reviews]—a relatively new procedure that comes from the America Invents Act."

Firmwide, 199 lawyers are involved in intellectual property litigation.

Dauchot himself scored big for client Samsung Electronics Co. in September when he won a second jury trial verdict



LUKE DAUCHOT

of noninfringement in a patent case against Cascades Computer Innovation LLC. The case had to be tried twice and within a matter of weeks because a Kirkland staffer accidentally transmitted certain documents to the first jury during deliberations.

The retrial "provided a number of interesting challenges in trying a case against a plaintiff who had seen our playbook," said Dauchot, but "a fundamental principle that eclipsed pure dollars got through to the jury. For that to happen twice was an achievement."

And Dauchot faced legendary patent litigator Ray Niro of Chicago's Niro, Haller & Niro. "He's tried a ton of cases and he has a style and approach that

lands a punch," Dauchot said. And Niro said of Dauchot, "Luke is one of the best trial lawyers I ever faced. He beat me twice and no one has ever done that before. Great guy."

Kirkland partners Bryan Hales and Eric Hayes, representing Hill's Pet Nutrition Inc., added to the success column by defeating at trial and on appeal a \$70 million infringement claim by Hemopet. The challenge was in the cross-over elements, said Hales, explaining that the case straddled method and system claims, "with some elements describing natural phenomena and other elements more directed to things implemented on a computer."

And after two and a half years of hard-fought patent infringement litigation, Hayes and Garret Leach achieved a major victory for Lighting Science Group Corp. against GE Lighting Solutions when the judge found GE patents invalid and granted summary judgment.

The Chicago team also brought home other victories, including the dismissal of a copyright infringement and Digital Millennium Copyright Act case against client Nike Inc. in which a photographer claimed his 1984 photograph of Michael Jordan was copied by Nike in its "Jumpman" logo and prevailing in a confidential arbitration on

behalf of a pharmaceutical client facing royalty claims in the billions of dollars.

"Since the day I came here, I've been surprised how fast our people get up the learning curve," said Hales, noting the firm's training program and more than enough "good work" to spread around. "What that has resulted in is a very deep bench so that when you look down to our younger lawyers or midlevel partners, those are very talented folks who actually have been on their feet doing this longer than many of our competitors."

—MARCIA COYLE

"KEYS TO SUCCESS"

Be client-centric: "Often what the client requires may not be in one's best personal interest. If you're going to be successful in this business, self interest has to yield to client interest." Be creative: "We all understand convention, which exists for a reason, but we're not slaves to it." Use pragmatism in response to business needs.

—LUKE DAUCHOT