

TRAILBLAZERS

INTELLECTUAL PROPERTY

LUKE DAUCHOT

KIRKLAND & ELLIS LLP

PIONEER SPIRIT Luke Dauchot began early in his career as a general jury trial lawyer and worked on his first patent case in the late 1990s. “The client appreciated that if you’re going to take a patent case to a jury, you need in your corner not just technical chops, but talent and experience to develop and present an appealing jury case as well.” Dauchot’s practice now spans IP and commercial trials.

TRAILS BLAZED In 2015 Dauchot won a jury trial defending Samsung against Cascades (popularly dubbed “the original patent troll”) twice in the span of a couple of months. Documents had inadvertently been submitted to the jury and it led to an order requiring the case to be tried a second time. Winning the first time against a savvy plaintiff and a seasoned jury trial lawyer in their own backyard took some doing. But “the emotional and strategic challenges of retrying the case against an opponent with our playbook in such a compressed time frame were surreal; nothing anyone on our team had ever experienced.” Despite the challenges, Dauchot and his team (Brandon Brown and Nigel Ray included) made strategic and tactical adjustments to win a second time, among them dispensing with much convention by truncating witnesses. “We had to be creative and were fortunate to have a client willing to buck some convention.”

FUTURE EXPLORATIONS “Patent reform has generated stress.” Post-patent grant proceedings and high reversal rates “generate much uncertainty and inefficiency for everyone. Some of those things will sort themselves out, but the focus needs to stay not just on winning, but doing it efficiently.”

