



LAW360

## 2017 Rising Star

# Atif Khawaja

Kirkland & Ellis LLP's Atif Khawaja has racked up a number of victories in high-stakes intellectual property disputes while representing companies like Hotels.com and Honeywell International, earning him a spot as one of five IP law practitioners under age 40 honored by *Law360* as Rising Stars.

### His biggest case and the challenge it presented:

Khawaja defended Hotels.com in an infringement lawsuit brought by Civix-DDI LLC over internet database-searching patents. Before Hotels.com was sued, its parent company, Expedia Inc., stipulated to infringing the same patents in a different case. Expedia was represented by different counsel.

"That was quite a hole to step into. We fought hard as more than two other defendants chose to settle with the plaintiff, and Hotels.com became the first, and only, defendant to win complete summary judgment of noninfringement," Khawaja said. "After a change in controlling law impacted that ruling, we settled the case favorably just days after the court held a full Daubert hearing that put the plaintiff's entire damages case at risk."

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### Proudest moment as a lawyer:

Khawaja won a trial for a 9-year-old girl with autism who attended a public school that wasn't teaching her but kept promoting her to the next grade. The trial win secured a spot for the girl at a specialized school and personalized tutoring at the city's expense.

"While I was happy for her, I will never forget how happy her family was — they knew that the outcome would change their lives," the attorney said. "That is what pro bono work does. Since then, pro bono has been a big part of my career, both in terms

of representing clients but also in getting others to participate."

Khawaja currently oversees the pro bono program for Kirkland's New York office.

### Biggest challenge and what he learned from it:

In his first patent case, Khawaja represented Honeywell as a plaintiff in a series of cases involving a warning system that prevented planes from crashing into the ground. Less than a week before trial in the first case, the court granted summary judgment of noninfringement to the defendants,

who decided to go to trial with their counterclaims — patent invalidity and a \$40 million antitrust claim. “We went from being a plaintiff with a big claim to being a defendant facing serious exposure with trial just days away,” he said.

Honeywell ended up winning at trial and convinced the Federal Circuit on appeal to reverse the lower court’s noninfringement ruling. “The whole experience was challenging. And it taught me early on that you have to have a steely, tenacious resolve as a litigator and roll with the punches. The lesson stays with me today.”

#### Why he became an IP attorney:

Khawaja enjoys litigating complex cases and has handled disputes in a number of different practice areas, including antitrust, class actions and fraud.

“Stretch yourself, and keep an open mind. Don’t get too comfortable with your ‘five-year plan’ or doing the same thing over and over again because you never know what the future holds.”

“IP cases are especially interesting because you get to learn a lot about the technology at issue — which frequently is technology we use every day and take for granted,” he said. “I enjoy the challenge of bringing that technology to life for the judge or jury.”

#### Advice for young attorneys:

“Stretch yourself, and keep an open mind. Don’t get too comfortable with your ‘five-year plan’ or doing

the same thing over and over again because you never know what the future holds. Keep an eye out for interesting opportunities and step out of your comfort zone. When I was in law school, I never thought I would have an IP practice.”



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