



2017 LITIGATION DEPARTMENT OF THE YEAR: INTELLECTUAL PROPERTY

KIRKLAND & ELLIS

The New York Law Journal honors the top department in general litigation, as well as top specialty practice departments in the fields of intellectual property, finance, class action, insurance and labor and employment. The winning litigation teams each include New York lawyers who had a significant impact on the work submitted to us.

Q: What are some of the department's most satisfying successes of the past year and why?

A: One of the most satisfying aspects of Kirkland's business is the range of successes both in terms of the types and sizes of the matters, and the lawyers involved in creating those successes. Highlights include back-to-back jury trial and ITC wins for a major

electronics client, an early case victory on a motion to dismiss for a pharmaceutical client, numerous wins at the PTAB, preserving a district court win for a biopharmaceutical client at the Federal Circuit, and protecting

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**INTELLECTUAL
PROPERTY
PARTNERS GREG
AROVAS AND DALE
CENDALI**

a telecommunications client's rewards program by defeating a preliminary injunction motion. In addition, Kirkland's IP lawyers contribute significantly to pro bono causes. One of Kirkland's New York IP attorneys heads Kirkland's program representing LGBTQ and HIV positive individuals fleeing persecution in their home countries, who are seeking asylum in the United States. IP attorneys from New York and other Kirkland offices are currently providing advice to an organization that deploys former military veterans to render aid at sites of disasters. The group traveled to Houston to aid in



KIRKLAND & ELLIS TEAM:

From left, front row: partners Greg Arovos, Leora Ben-Ami, Jeannie Heffernan, Claudia Ray, Dale Cendali, Robert Appleby, James Marina. Back row: partners Patricia Carson, Todd Friedman, Timothy Gilman, Joseph Loy

disaster and recovery efforts in connection with Hurricane Harvey.

Q: A prospective client in crisis calls and asks why your team should be retained. What is your answer?

A: Greg Arovos: The ability to pull together on a moment's notice a combination of deep and talented

teams of lawyers with diverse backgrounds and experiences, and a focus on finding common sense and commercial solutions to complex disputes. The Kirkland culture encourages both individual contribution by lawyers at every level of seniority, and collaboration across departments and specialties.

Dale Cendali: We routinely handle tough, important cases, and far from being afraid to go to trial, we relish it. Our leadership positions in the bar, roles as adjunct professors, etc., mean we are constantly on top of new developments. Our IP practice is truly a one-stop shop, as we have destination practices in copyright, trademark, trade secrets and patent law. Finally, we love what we do and have fun doing it. We hope clients find it fun to work with us and we work to be responsive to them 24/7.

Q: What traits do you respect most in opposing firms and lawyers?

A: Dale: Intelligence and integrity. We might disagree on the merits of a case, but we should be able to trust each other's word and not have to memorialize every phone call.

Greg: I appreciate working against firms that share our goal of getting to the core issues quickly without lots of noise or distraction, allowing our clients to litigate on the merits without unnecessary expense or disruption to their business.

Q: What sorts of trends are you seeing in litigation, and what do you think will be the most important development in the law/legal business that will impact your field in the next 10 years?

A: Dale: IP should continue to grow in importance consistent with the recognition that intangible assets are increasingly valuable. I am also noticing a trend in more big copyright and trademark cases as those rights are getting a lot of attention now, and of course, the new federal trade secrets act has spurred cases in that area. Another trend is cases that cross disciplines, like trade secrets cases that involve also

copyright infringement of computer code. We are in a good position to handle these cases as we have both the substantive and technical experience.

Greg: Continued globalization. Clients have increasingly global businesses. Creative lawyers will increase their value to clients by finding ways to advance their client's business through custom solutions to what are typically worldwide IP disputes.

Q: Has your team done anything innovative or used new approaches to litigation?

A: Greg: We look at each dispute from a multidisciplinary perspective, understanding that the conventional approach often is not the most effective or efficient strategy. We've successfully used non-traditional avenues like bankruptcy proceedings, foreign actions, multi-level federal and state litigation, government or regulatory options and non-IP claims to provide a custom solution to each dispute.

Dale: We have worked hard to identify cases that can be resolved prior to discovery on a motion to dismiss. Especially in copyright cases, a motion to dismiss makes sense, as no amount of discovery will change the works in dispute.

Q: What is the firm doing to ensure that future generations of litigators are ready to take the helm?

A: Dale: This is a key priority. One of the things I love to do is to mentor young lawyers one-on-one and identify bar groups, speeches or article opportunities for them that will help build their experience and personal brand.

Greg: The firm's future depends on identifying and promoting the next generation of leaders. Finding and creating opportunities both on client matters and in firm management is deeply ingrained in the firm's culture. These efforts are combined with one of the most expansive training programs of any firm, helping lawyers develop the skills necessary to make the most of the opportunities the firm and our clients provide.

KIRKLAND & ELLIS LLP