



## 2019 RISING STAR

# Leslie Schmidt

Kirkland & Ellis LLP's Leslie Schmidt has amassed numerous victories on behalf of her intellectual property clients over her career, including U.S. Supreme Court wins in WesternGeco's long-watched litigation about overseas patent infringement, earning her a spot as one of six IP practitioners under age 40 honored by *Law360* as Rising Stars.

### Why she's an IP attorney:

As a four year old, Leslie Schmidt already knew she would follow her father's footsteps into law. But a high school chemistry teacher ignited in Schmidt a passion for science that she carried into adulthood.

As an intellectual property attorney Schmidt found she wouldn't have to choose between her twin passions of law and chemistry. In fact, she considers how frequently she gets to collaborate with leading scientists to be a perk of her position.

"You really do get to work with people at the top of their field," Schmidt said.

### The biggest case of her career:

Schmidt said her work in WesternGeco's closely followed patent litigation was particularly challenging.

The case initially began in 2009 as a patent dispute over technology to help locate oil and gas deposits on the ocean floor, but sprawled into

a still-ongoing saga. Schmidt joined WesternGeco's team right before the case went to trial in 2011, but she followed the case to the Supreme Court not once, but twice, in an effort to keep intact WesternGeco's \$93.5 million jury award for profits lost overseas.

"I knew right away [this] was a one of a kind case because in patent cases you don't often get to do nuts and bolts type statutory interpretation," Schmidt said, "but that's what we were doing."

With her Kirkland colleagues, Schmidt argued that Ion Geophysical Corp. had looted WesternGeco's intellectual property under a rarely litigated provision of the Patent Act.

During the initial trial at a Texas federal court the jury instructions

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— on which Schmidt had taken point — were highly contested.

“There were some jury instructions we were writing fresh,” she said, “There weren’t model instructions for everything.”

In addition to the unique statutory work, Schmidt said the suit helped her grow as an attorney because she had to learn the ins and outs of appealing to the Federal Circuit and the Supreme Court.

“[It] gives you an interesting perspective.”

It doesn’t hurt that both trips to the High Court were wins for WesternGeco.

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### **Other notable cases she’s worked on:**

Schmidt really got to exercise her scientific know-how representing BASF before the International Trade Commission. The chemical company won an exclusion order on Umicore NV’s imports, arguing they contained BASF’s protected materials for batteries that could power a phone, but then be scaled up to fuel a car.

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To show infringement, the Kirkland team enlisted experts to investigate the structure of Umicore’s battery materials. The scientists employed cutting-edge technology to bolster BASF’s infringement claims, but it was work Schmidt found familiar.

“We were really using things I had learned in chemistry — various techniques to characterize materials, understanding crystal structures,” she said.

“It was good to be able to have a good vocabulary to speak with the experts and to understand what was going on.”

### **Her proudest moment as an attorney:**

Though Schmidt relishes her intellectual property practice, she finds her pro bono work with veterans to be her most rewarding. During a one-year stint clerking for the Federal Circuit, Schmidt had heard a few VA claims appeals — an experience that attuned her to

how difficult and delayed the claims process was for veterans.

When the opportunity arose to help veterans cut through the red tape and try to find ways to get their claims processed more quickly, she jumped at the chance.

In fact, her proudest moment as an attorney came earlier this year, when the Veterans Affairs Office awarded her client full benefits for his post traumatic stress syndrome. The ordeal had taken six years.

“He was able to get a pretty substantial amount of money for those benefits which is very meaningful for him and me as well,” Schmidt said. “To be able to call him and tell him we did it finally was a very rewarding experience.”

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