

Top 20 cases 2020

A busy start to the year sees three high-profile court cases in the first month alone, initiating a range of actions involving individuals, conglomerates and government departments

Last year's iteration of *The Lawyer's* Top 20 Cases showcased an appetite for public interest and in 2020, Brexit remains the main topic of conversation for many. However, this hasn't translated into the slew of disputes many thought it would.

Rather, this year the disputes come from further afield – most notably the Middle East. The region has seen real turbulence in the previous decade but, in part, it has also seen great growth – which inevitably leads to disputes in some form or guise.

The year's first critical case in this vein kicked off on 20 January in *Ras Al Khaimah Investment Authority v Farhad Azima*, with other disputes arising out of the region including an EY whistleblower taking on his former Big Four employer.

Looking closer to home, competition lawyers are set for another busy year. Despite the Competition Appeal Tribunal (CAT) awaiting a decision in the Merricks/Mastercard dispute from the Supreme Court, new claims continue to be filed in the tribunal. One of the largest features two separate disputes over forex rigging after the 2007 financial crash. Hausfeld and Scott+Scott worked together on a US-related settlement but, following a disagreement, the litigation boutiques have filed separate claims



Kirkland & Ellis's Nicola Dagg is on the team instructing for Xiaomi in a patent dispute brought by Mitsubishi

over the same issues. The CAT will now have to decide which claim has more merit.

It's not just the CAT that will be busy with forex rigging disputes this year – the High Court is set to hear another case filed by Quinn Emanuel Urquhart & Sullivan. These disputes bring in anyone who's anyone in litigation and are set to be the blockbuster cases of 2020. Away from forex, disagreements over rail franchising tenders and allegations of power cable cartels provide further interest for those in the competition world.

The big names are not just focusing on competition – with Kirkland & Ellis's Nicola Dagg and Steven Baldwin throwing weight behind their IP practice, acting for Xiaomi in a dispute against Mitsubishi.

Over at the Bar, the usual suspects appear, but 5RB is in for a busy few years, as the set features in several defamation claims being brought against News Group. The media chambers has barristers acting on both sides in most media-related cases but in March, Desmond Browne QC and Adam Wolanski face off in a rare libel case involving *Johnny Depp v News Group Newspapers* and journalist Dan Wootton.

Read on to see which other trials have made it into *The Lawyer's* Top 20 Cases of 2020.

Mitsubishi Electric Corporation and Sisvel International SA



Xiaomi & Ors

High Court, Patents Court, 1 December, five to seven days

The end of the year gives rise to one of the biggest patents disputes of recent times, as Japanese conglomerate Mitsubishi Electric teams up with IP manager Sisvel in a case against Chinese electronics company Xiaomi. It is claimed Xiaomi infringed three patents from Sisvel's mobile communication program patent pool, with this the first claim for determination of fair, reasonable and non-discriminatory (FRAND) terms to be brought by a pool administrator and member on behalf of other unnamed entities.

Sisvel argues Xiaomi should have paid it a

royalty rate for infringing the patents, raising new issues pertaining to patent and competition law, and whether the English courts have the power to determine global royalty fees for corporates.

This will be one of the most significant new cases for Kirkland's Nicola Dagg, who is settling into her new role after a high-profile switch from Allen & Overy. Widely thought of as a formidable force in IP litigation, Dagg is working alongside Kirkland colleague Steven Baldwin against an equally strong team from Bird & Bird: Jane Mutimear and Richard Vary. Vary was formerly head of Nokia's litigation group, meaning these types of disputes are right in his comfort zone.

They have all instructed barristers from specialist IP set 8 New Square, with the case spanning multiple jurisdictions including the Netherlands, Italy and Beijing.

For the claimant, Mitsubishi Electric Corporation and Sisvel
8 New Square's Richard Meade QC, Adrian Speck QC, Michael Tappin QC and Tom Jones, instructed by Bird & Bird partners Jane Mutimear and Richard Vary
For the first defendant, Xiaomi
8 New Square's Daniel Alexander QC and Mark Chacksfield QC, instructed by Kirkland & Ellis partners Nicola Dagg and Steven Baldwin
For the second defendant, Oppo and Oneplus
8 New Square's Andrew Lykiardopoulos QC, instructed by Taylor Wessing partners James Marshall and Christopher Thornham