



LITIGATION DEPARTMENT OF THE YEAR: INTELLECTUAL PROPERTY

## KIRKLAND & ELLIS

**Q&A** **What are some of the department's most satisfying successes of the past year and why?** One of the most satisfying aspects of Kirkland's business is the wide range of matters our incredible selection of clients entrusts us to handle. Highlights from the past year include a complete victory for Intel in a multi-jurisdiction litigation involving circuit layout and fabrication technology patents, where we obtained a final determination of no violation in the ITC, as well as summary judgment of non-infringement in the Northern District of California on all five asserted patents.

We also obtained a major victory for Lucky Brand in the U.S. Supreme Court in its long-running trademark dispute with Marcel. The court ruled 9-0 in Lucky Brand's favor, providing much-needed clarity on the doctrine of res judicata.

In a case for a pharmaceutical client, a Delaware judge ruled after a fully remote bench trial that all claims of a patent directed to Parkinson's disease treatments asserted against our client were invalid.

On the trade secret front, Kirkland teams won more than \$1 billion in damages for clients in 2020. A Southern District of New



From left (front), partners Dale Cendali, Claudia Ray and Leslie Schmidt; (middle), partners Jeanna Wacker, Patricia Carson, Robert Appleby and Greg Arovass; (back), James Marina, Todd Friedman and Joe Loy.

York jury awarded damages to our client TriZetto, finding that competitor Syntel had misappropriated hundreds of TriZetto's trade secrets. And in a high-profile, global trade secret and copyright dispute between our client Motorola Solutions and its China-based competitor Hytera, a Northern District of Illinois jury deliberated for just over two hours before awarding Motorola Solutions our full damages request.

In addition, Kirkland resolved long-running patent litigation for WesternGeco, a Schlumberger subsidiary, in litigation against ION Geophysical over remote-sensing technology for deep-water oil and gas exploration. This result came after 11 years of litigation,

including two winning U.S. Supreme Court arguments.

**A prospective client in crisis calls and asks why your team should be retained. What is your answer?** Kirkland has a deep pool of extremely talented and committed trial lawyers, ranging from highly experienced first-chair attorneys down through our consistently strong associates. We have the ability on a moment's notice to put together an outstanding team with extensive experience in all aspects of patent, copyright, trademark, trade secret, and other areas of IP law. Trial is always first and foremost in our minds when Kirkland takes a case. Developing key theories and themes early in a litigation allows us to flesh out critical supporting evidence during discovery, ensuring that we can present a compelling story at trial to maximize our chances of winning. We also pay close attention to the client's business goals when developing our strategy, to pursue results that meet or exceed their metrics for success.

**What traits do you respect most in opposing firms and lawyers?** Competence and integrity. I always appreciate when opposing counsel is able to efficiently identify and focus on

the key issues driving the case. That allows us to litigate the case's real merits, without devoting time and the client's resources to sideshows. I also appreciate when opposing counsel is honest, reasonable, and can be taken at their word. Those qualities make it much easier to work through the disputes that inevitably arise during litigation, and everyone benefits.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?** Training is a key focus at Kirkland. Our annual Kirkland Institute of Trial Advocacy does a phenomenal job of preparing associates for real-world trials, allowing them to try mock cases over 2-3 days in front of jurors drawn from the community. Beyond such formal training, Kirkland also places a great deal of emphasis on finding early opportunities for its associates to develop experience and skills in every aspect of litigation. I have seen a trend of judges commenting that they appreciate seeing more junior attorneys take stand-up roles, which makes it a win-win for us to provide our junior attorneys those opportunities.

*Responses prepared by **Todd M. Friedman**, partner at Kirkland & Ellis.*