

Adam Alper & Michael De Vries



Adam Alper and Michael De Vries of Kirkland & Ellis LLP won a \$25 million verdict in patent litigation over a promising fecal transplant technology and are representing Motorola in a blockbuster intellectual property case, earning them a spot among the 2025 Law360 Intellectual Property MVPs.

Notable cases they've worked on:

The two attorneys characterize their practice as having a particularly broad scope, covering a range of technologies and working on both sides of IP litigation.

One of the most notable cases that Alper and De Vries highlighted was their work on a patent dispute over fecal microbiota transplant, or FMT, technology, which can be used to treat patients with a *C. difficile* infection. Such an infection often arises after a person takes antibiotics that disrupt the gut microbiome and lead to a proliferation of the *C. difficile* bacteria.

That infection can pose a serious health risk to patients. FMT is used to transplant a healthy person's microbiome to someone with a *C. difficile* infection.

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Alper and De Vries represented Finch Therapeutics Group and the University of Minnesota in a case initiated by Ferring Pharmaceuticals and Rebiotix, which sought a court ruling in 2021 that they didn't infringe patents covering FMT owned by Finch and the university. The defendants filed counterclaims of infringement, and they ultimately won a \$25 million infringement verdict in August 2024.

De Vries said the case was notable for several reasons, including that it was the pair's first life sciences matter that

they saw through trial after working in the space on and off for some time. It was also an exceptional case given the technology at issue, which is used to address conditions that have historically been challenging to treat, he added.

“It was a really interesting technology area to learn about, in an area of medicine that a lot of people think is very important in terms of being able to treat some disease states that are really difficult to treat,” De Vries added.

Another notable case of theirs is a massive, ongoing IP case by their client Motorola against competitor Hytera Communications. The Seventh Circuit affirmed a more than \$407 million award in favor of Motorola under the Defend Trade Secrets Act in July 2024, remanding just the copyright damages portion of the case.

Alper said the trade secrets award is the largest standing judgment in a trade secret case in U.S. history. The case keeps moving forward, and Alper said it's been gratifying to see their arguments prevail.

"Bit by bit, as we move this forward in a number of different ways, we're getting to a point of justice, and we're grateful for that — for the court, the juries, the Seventh Circuit and everyone who's been looking at this," he added.

Other matters include their work representing Oracle in its trade secret case against competitor Procore, their defeat of a massive \$4 billion patent case against client Samsung, and their representation of healthcare software company TriZetto Group in its case against Syntel Inc. over copyright and trade secret claims. That last case has led to a \$370 million award for TriZetto.

Their biggest accomplishment over the past year:

While the two have worked on some of the most significant IP cases over the past year, they both highlighted their partnership as one of their biggest accomplishments.

Alper said that the typical legal team takes the form of a pyramid, where there's one person on top. But the duo

noted that their collaboration sticks out in a field that can sometimes encourage solitude.

"Over the years that I've been a lawyer, I can't think of a single other partnership team in at least our area of the law that is like Mike and mine, where you have two people who work so closely together," Alper said, adding, "We're telepathic at this point in terms of our thinking, and we've been each other's primary mentors for decades at this point."

De Vries also noted that their approach to lawyering is a bit different, but that their partnership has been a boon to their work, especially when combined with the rest of their litigation team.

"[Our team] has some of the best lawyers in the country who've done some of the most sophisticated trial work and really technologically intense intellectual property litigation."

"We really expanded that not just between the two of us, but with our overall team in general, which has some of the best lawyers in the country who've done some of the most sophisticated trial work and really technologically intense intellectual property litigation," he said.

Why they're IP attorneys:

Alper said his origin story predates law school, when he worked as an assistant to a paralegal in a law firm's basement, surrounded by documents.

"This was back when files were all on paper, and there were just boxes and boxes and boxes of paper, and the work in many ways was not the most stimulating work in the world at that time," he said.

But Alper did get exposure to intellectual property cases in that basement surrounded by all of those documents. His interest was piqued.

"What I really liked about those was they dealt with real products, real technologies, things that you could actually talk about that seemed to matter to people," Alper said.

As he learned about the practice area, it also began to occur to Alper that IP litigation is often less defensive than other types of litigation, in which "it's two sides where something has gone wrong, and they're trying to get out of it with the least amount of damage as possible."

"With IP, it's two sides who have invested heavily in something, and they're disputing who owns it. That means it's a much more affirmative type of litigation," he said.

And since IP litigation "has to do with copying and thrift, there's an element of right and wrong that is just obvious in these cases," Alper added.

For De Vries, one thing that drove him to law school was his desire to have a job with a lot of variety day to day. He previously worked as a lifeguard, a construction worker, a painter and a

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small restaurant’s manager, and while he said he “liked all of those jobs quite a bit and had a great time doing them,” his career as a lawyer has given him the variance he wants out of his job.

“I can say that over 25 years into this profession, I can’t think of a single day where I thought that what I was working on was just repairing the same thing that I had done the day before in a way that was causing me to be bored or feeling unfulfilled,” De Vries said.

And becoming an IP attorney has contributed to that feeling, given that he learns about new technologies every day, he added.

Their advice for junior attorneys:

De Vries and Alper said they speak with young lawyers frequently, whether at law schools or at their firm. De Vries said one of his top tips for junior attorneys is to learn about a lot of subjects, rather than developing an intense but narrow specialty in a given area.

“The advice we’ve given in general is to try to put yourself in a position to get as broad a set of experiences as possible as you can, rather than getting pigeonholed into one area where you might develop a tremendous amount of expertise in that one area,” he said.

“That can be really valuable, to be clear, but the more you can allow yourself to do each and every aspect of the job — writing, working with experts, arguing hearings, taking depositions, defending depositions, participating in trials — that should be the goal,” De Vries added.

Alper hit a similar note, saying it’s always good for attorneys to keep the big picture in mind. While it’s easy and still important to get into the nitty-gritty with the technology and the procedure, he said that attorneys should keep in mind the fact that they’re trying to persuade judges and jurors.

“At the end of the day, our audiences, whether they’re judges or juries, are just normal human beings,” Alper said. “And you’ve got to explain things in a way that makes sense to people.”

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