

# THE AMERICAN LAWYER

## Litigation Department OF THE Year

SPECIAL  
REPORT



**LIBOR, MASSIVE SECURITIES CLASS** actions against the big banks, billion-dollar patent wins, eye-popping arbitration awards. While the U.S. economy was struggling to return to health over the last two years, big-ticket litigation was clearly a countercyclical buffer. As the financial meltdown turned from headlines in the press to captions on docket sheets, the litigators at The Am Law 200 were front and center. In their lengthy, detailed submissions to us for 2014 Litigation Department of the Year and our three practice areas honors, we were delighted to see how diverse and cutting-edge the firms' results were over our time frame (August 2011 through July 2013).

To draw attention to these efforts, we changed our practice group competitions: We added securities and antitrust along with our traditional, highly competitive IP category. After months of reading the submissions, vetting the firms, and interviewing the finalists at our New York office, we arrived at four winners, 13 runners-up, 10 honorable mentions and six Litigators of the Year. Congratulations to everyone who won, and our sincere thanks to every firm that participated in our contest.

—Robin Sparkman





Also featured as Honorable Mention: General Litigation.

WINSTON & STRAWN

# The Seeds of **Victory**

**WINSTON** won a \$1 billion jury verdict for Monsanto, but that's just a taste of what the firm's IP litigators can do.

BY LISA SHUCHMAN

**W**INNING A \$1 BILLION JURY verdict for client Monsanto Company was the highlight of the past two years for Winston & Strawn's IP litigation practice. But the firm isn't a one-hit wonder. When it comes to generic drug manufacturers, new media and high-tech, Winston has proven that it is a go-to firm. Its IP litigators have scored key patent defense victories, won a precedent-setting decision for the generic pharmaceutical industry before the U.S. Supreme Court and paved new ground in copyright law.

Take Winston's important defense verdict for wireless networking company Belkin International against Fujitsu Limited. The firm convinced a San Jose jury to overrule the U.S. Patent and Trademark Office in December 2012. Even though the PTO previously found Fujitsu's wireless networking patent valid three separate times, Winston partner David Enzminger helped persuade the jury that the patent was, in fact, invalid.

And in a closely watched copyright case, Winston's Michael Elkin represented Veoh Networks Inc. at the U.S. Court of Appeals for the Ninth Circuit—defending against allegations by Universal Music Group that the company allowed third-party users to share videos containing



musical performances with UMG's songs. The case clarified that protection under the "safe harbor" provision of the Digital Millennium Copyright Act is applicable to other websites offering user-generated content, such as YouTube.

**SIGNATURE WIN:** Monsanto's \$1 billion verdict against E.I. du Pont de Nemours and Company (which eventually led to a settlement in March 2013 valued at more than \$1.75 billion) was more than just an impressive win dollar-wise. A St. Louis jury took only 45 minutes in August 2012 to return its verdict, finding that DuPont infringed Monsanto's proprietary Roundup Ready herbicide-resistant technology for soybeans and corn. Winston's George Lombardi, a 2013 Litigator of the Year, persuaded jurors to reach that conclusion even though DuPont had never sold a single infringing product.

**MAKING LAW:** At the Supreme Court, the justices unanimously reversed the U.S. Court of Appeals for the Federal Circuit, ruling that Caraco Pharmaceutical Laboratories had the right to challenge the accu-

**FROM LEFT:** Michael Elkin, Raymond Perkins, James Hurst, David Enzminger and George Lombardi.

racy of information that Novo Nordisk filed with the U.S. Food and Drug Administration—a decision hailed as a win for generic drug makers.

**FROM THE CLIENT:** "There's a degree of professionalism at Winston I don't always see at other firms. They are world-class litigators who can win in court and who also can obtain a favorable settlement when that's what the client wants," says David Cate, managing IP counsel, M-I LLC (a division of Schlumberger Ltd.). Winston has advised M-I on several high-profile matters.

**ON THE DOCKET:** Winston represents Aereo Inc., a start-up that allows subscribers to watch live and recorded streams of television via a dedicated dime-sized antenna for each subscriber. Aereo faces legal challenges from every major broadcast TV network. (Winston is co-counsel with Fish & Richardson.) ■

## Practice Group Size and Revenue

Partners: 64 Associates: 78  
Counsel: NA Other: 8

Practice Group as Percent of Firm: 17%  
Percent of Firm Revenue 2012: 16%