

## IP Group Of The Year: Latham & Watkins

By Allissa Wickham



**Matthew Moore**  
Intellectual Property  
Litigation Global Co-Chair



**Douglas Lumish**  
Intellectual Property  
Litigation Global Co-Chair



**Kenneth Schuler**  
Intellectual Property  
Litigation Global Co-Chair



*Law360, New York (January 30, 2015, 7:28 PM ET)* -- From securing a win for InterDigital Communications Inc. in a wireless patent case to defending Capital One Financial Corp. in a bellwether suit against a patent holding company, Latham & Watkins LLP had an impressive string of recent victories, earning a spot among Law360's Intellectual Property Groups of the Year.

Equipped with a stable of veteran IP trial attorneys, Latham & Watkins certainly flexed its patent litigation muscles over the past year, pulling down a major jury verdict for wireless technology developer InterDigital just a few months ago in a suit against Chinese mobile device company ZTE Corp.

After an eight-day trial, the jury found that ZTE smartphones infringed on three InterDigital patents, including two that are critical to 3G wireless technology. Since 50 percent of the world's cellphone producers license InterDigital's technology, the stakes for the case were particularly high, according to the firm.

"It was a very hotly contested case ... [and] I think it was a real landmark victory," said Matthew Moore, co-chairman of Latham's IP litigation practice.

Doug Lumish, who also chairs the firm's IP litigation group, added that many of Latham's IP attorneys come from engineering or scientific backgrounds, giving the firm a rock-solid understanding of technical issues often involved in patent cases. Thanks to that sturdy understanding, Latham's attorneys are able to explain complex concepts to juries without getting too lost in the "weeds" and losing their audience, he noted.

"We marry the incredible technical ability with the storytelling ability that, I think, very few firms could approach," Lumish said.

The verdict against ZTE followed another big win for Latham in April, when the firm defeated Intellectual Ventures LLC — a highly litigious nonpracticing entity — in a case over budgeting database technology.

Significantly, the high-speed case marked the first defeat for Intellectual Ventures in a slew of suits it had filed against members of the banking industry. Winning the case involved a successful strategy of eliminating each of the five patents-in-suit one by one, attorneys for Capital One said at the time.

Latham was also a heavy-hitter in the generic drug litigation realm in recent months, successfully representing Cadence Pharmaceuticals Inc. in a suit over a generic version of the injectable pain reliever Ofirmev, as well as Par Pharmaceutical Inc. in a trial over a patch that treats Alzheimer's disease. Both cases are currently on appeal at the Federal Circuit.

Moore noted that a major part of Latham's success is its high number of excellent attorneys with first-chair trial experience who are involved with their cases on a day-to-day basis.

"It's why companies hire us for their massive cases — because they know we've got a depth that we can bring," Moore said. "Not just one first-chair trial lawyer with a supporting cast, but we'll have four first-chair trial lawyers on that same case preparing it for trial."

The firm is also adept at handling IP litigation at all stages, from district and circuit courts all the way up to the U.S. Supreme Court, Moore noted. This was particularly evident in a case over an online advertising patent in which Latham represents games company WildTangent Inc. as the suit has bounced between the Federal Circuit and the U.S. Supreme Court.

Finally, in November, the Federal Circuit invalidated the ad-viewing patent asserted against WildTangent by Ultramercial LLC, although Ultramercial later asked the court to review the decision.

But the firm's expertise isn't limited to cases stemming from district court, as in February, it helped Honeywell International Inc. secure a \$75 million settlement with the U.S. government over a night-vision goggle patent in a case arising from the U.S. Court of Federal Claims.

Latham's IP group is also tearing it up at the U.S. International Trade Commission, winning cases "nonstop," according to Lumish. This includes securing an exclusion against Suprema Inc. goods for biometric security company Cross Match Technologies Inc. in 2011, in a case that's now involved in a closely watched appeal.

Of course, these cases are just the tip of the iceberg as the firm has also defended Amazon.com, Freddie Mac, Ford Motor Co. and other well-known companies in recent matters.

As for the future, Moore noted that Latham's IP group will be looking to break into the growing market of biologics and to grow its size strategically, adding a few members to its group of 115 IP lawyers.

The firm will also be keeping up its brisk pace before the Patent Trial and Appeal Board, where it has a more than 96 percent rate of getting petitions granted, according to Lumish. It's just one more component in the suite of Latham's IP services that makes the firm stand out, he noted.

"We're not offering a trial lawyer who can win the trial," Lumish said. "We're offering a group that can cover you from top to bottom, across any technical field and in any venue."