

## Trials Group Of The Year: Gibson Dunn

By **Cara Salvatore**

*Law360 (November 30, 2020, 3:21 PM EST)* -- Gibson Dunn this year helped AMC in a case against producers of "The Walking Dead" who want more of the show's profits and assisted drugmaker Novartis in beating back an intellectual property challenge to a multiple sclerosis drug, making it one of Law360's Trials Groups of the Year.

Litigation practice co-head Randy Mastro said the firm has trial chops to spare in its 778-person litigation department, which has added 10 lateral hires over the last year.

"We have a remarkably deep bench, a lot of star trial lawyers, but not a star system. It's about the team. And the team we bring to major trials, that just is so impressive and, most importantly, successful," Mastro said.

In July, a California state judge granted AMC a key early victory in its fight with producers of the hit television show "The Walking Dead" following a "mini-trial" focused on contract interpretation.

The mini-trial in February and March hinged on interpretations of a few lines in the agreements of the executive producers, most important the meaning of the word "shall." A judge found that the contract unambiguously said AMC "shall" define how to calculate, essentially, the show's revenue.

The producers said they never agreed to a "wholly inadequate, imputed license fee" AMC thrust on them. A jury trial on the merits is scheduled for next year, but Gibson Dunn's Scott Edelman and Orin Snyder said the decision coming out of the mini-trial was huge.

They also said it was surreal trying a case when the coronavirus pandemic was beginning to surge in the U.S.

"Our trial ended, I believe, on March 10. And by that time it was like a fog coming over the country, COVID, and no one knew exactly how dark it was going to get and how bad it would be, but we all felt this impending doom," Snyder said. Towards the end of the mini-trial, they started coming to court with hand sanitizer and wiping down tables and chairs each day.



"The Walking Dead,' it's a zombie apocalypse, and we probably came as close to that with this pandemic as anything," Edelman said.

In August, a team led by partner Jane Love helped Novartis Pharmaceuticals Corp. with a challenge to its blockbuster multiple sclerosis drug Gilenya when a Delaware federal judge found Novartis' patent valid and held that a planned generic by HEC Pharm infringed it.

The judge was unconvinced by HEC's argument that its product would not infringe the patent because it didn't mention use of a "loading dose" before administration of the drug.

"The label for [HEC's] generic version of Gilenya instructs physicians to perform each limitation in the asserted claims of the patent," the judge said. "The patent describes alternative dosing regimens, like 'intermittent dosing,' but does not describe loading doses."

And in February, the firm's trial specialists helped persuade a New York federal court to refuse to block the planned \$56 billion merger between T-Mobile and Sprint, rejecting a states-led challenge of a deal that had won approval by the U.S. Department of Justice and Federal Communications Commission.

The judge rejected allegations from 14 Democratic attorneys general — led by enforcers from New York and California — that the deal would cost consumers billions of dollars more for wireless service.

Gibson Dunn represented Deutsche Telekom, T-Mobile's parent company.

Mastro said one reason for the Los Angeles-born firm's trial prowess is that its presence is truly national.

"Not surprisingly, it's a top litigation firm on the West Coast. But it's also a top litigation firm in New York, recognized as the only national firm among New York's elite litigation and trial firms. It's a top litigation and trial firm in Washington, D.C., where it's also incredibly well known for its strong appellate practice. And it's become a top litigation and trial firm in Texas," Mastro said.

--Additional reporting by Dani Kass, Matthew Perlman and Craig Clough. Editing by Peter Rozovsky.