

Trials MVP: Gibson, Dunn & Crutcher's Josh Krevitt

By Kat Sieniuc

Law360, New York (December 19, 2016, 11:55 AM EST) -- Gibson, Dunn & Crutcher LLP partner Josh Krevitt recently won a high-stakes patent infringement trial for T-Mobile against a plaintiff who had already been victorious over two other two carriers for the same patent, landing him a spot on Law360's 2016 list of trial MVPs.

In fact, Krevitt won every trial he was lead counsel on this year, whether he was representing plaintiffs or defendants in front of judges or juries, a true testament to his passion for the courtroom that reaches back to the early days of his 24-year career.

That passion contributed to securing a complete trial victory for T-Mobile in a suit brought by Prism Technologies, a patent licensing entity based in Omaha, over the mobile carrier's entire network, putting hundreds of millions of dollars at stake.

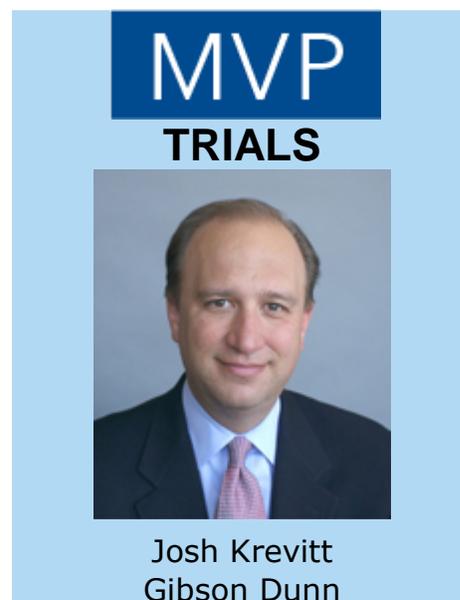
After a three-week trial, the jury found that none of T-Mobile's accused networks infringed the two asserted patents.

The win came despite the court letting Prism tell the jury about its past wins related to the same patent against AT&T and Sprint, in which AT&T settled with Prism, and an Omaha jury awarded a \$30 million verdict in Prism's favor after finding Sprint infringed the patents.

But feeling Prism's case was superficial, Krevitt and his team took a different approach to this trial, which involved spending hours cross examining witness and having their witnesses testify on how the technology works.

"The only way to prove we didn't infringe was to take the time to go through the guts and the weeds of the technology, and do that in a way that was accessible and understandable and persuasive for the jury," Krevitt said.

Krevitt, Co-Chair of Gibson Dunn's Intellectual Property Practice, had other major trial wins in 2016, including in a major case brought against Fitbit by competitor Jawbone that alleged stolen trade secrets and infringement on six patents, threatening virtually all of Fitbit's products.



With an ITC import embargo of Fitbit's products on the line, Krevitt was able to secure a victory on every single issue at trial, and the court found no trade secret misappropriation and all of Jawbone's patents to be invalid.

Also, Krevitt won a jury trial in March, including \$14 million in damages, for data-storage company EMC in a case against startup Pure Storage related to the latter's infringement of the former's patent covering deduplication technology for electronic storage products.

Krevitt wasn't always a patent litigator though, having started out after law school doing mainly first amendment and music litigation. But then he moved to Silicon Valley, where he worked on his first patent case. Krevitt found patent law offered an opportunity to take difficult, high-stakes cases that matter to the clients to trial.

"Given the nature of patents and nature of patent law, there was tremendous opportunity to litigate cases in a creative and effective way," he said.

But all would not be impossible without a stellar team by his side, Krevitt said, saying Gibson has "assembled among the very best IP trial lawyers in the country, and we thrive on handling the most challenging, complex, scary cases."

At the end of the day, success in the courtroom also comes down to supportive and informed clients who understand what going to trial entails, Krevitt said.

"Our clients are very, very much a part of our team, and it's incredibly gratifying for us to work with clients that are prepared to stand up when accused inappropriately of infringement and be willing to take on the risks associated with trial, and put us in a position to win," he said.

Krevitt is also currently defending Merck in a case accusing its Noxafil anti-fungal medication of infringing Mayne Pharma International Pty Ltd's patent, as well as AT&T and Apple against allegations related to haptic technology and AT&T's sale of certain models of the Apple iPhone.

— Editing by Ben Guilfoy.