

INTELLECTUAL PROPERTY **HOT LIST**



A SPECIAL REPORT

Even law firms rooted in the 19th and early 20th centuries—and steeped in traditional practices—have become leaders on the latest trends in intellectual property law, fiercely battling a decidedly 21st century development, patent trolls. We received dozens of nominations for our annual list of the hottest IP firms, and after extensive research concluded the 20 listed below deserved the accolade. Many rank among the most venerable in the country. Apparently that’s no bar to life on the cutting edge.

GIBSON, DUNN & CRUTCHER LLP

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JOSH KREVITT

Gibson, Dunn & Crutcher

A bold courtroom gamble paid off for Gibson, Dunn & Crutcher when the firm's intellectual property lawyers last year scored a resounding win for T-Mobile USA Inc.—one in a series of recent patent litigation victories for the 100-plus lawyer group.

T-Mobile was sued by RealTime Data LLC for infringement

in the plaintiff-friendly U.S. District Court for the Eastern District of Texas. The other defendants, including AT&T Inc. and Sprint Corp., settled, leaving T-Mobile on the hook for up to \$256 million. Following a series of ominous pretrial rulings, T-Mobile tapped Gibson Dunn to take over just two months before trial (SNR Denton stayed on as co-counsel).

Six Gibson partners led by Josh Krevitt sprang into action. Their touchstone: “What’s going to resonate and sell? What’s persuasive? What will feel fundamentally correct to a jury?” Krevitt said.

Midway through trial, he took a chance. “We decided not to call our own expert on noninfringement,” Krevitt said. He’d already strongly cross-examined RealTime’s expert. “We did not want it to be a battle of experts.” He saw another benefit to the tactic: “It throws off the other side.” He took the same tack when it came time to argue damages, sidelining T-Mobile’s damages expert. “It was a little scary—we were out on some ledges,” Krevitt said.

But the goal was to “keep it simple,” and the strategy worked. After two hours of deliberation, the jury ruled that T-Mobile had not infringed any of RealTime’s 11 patent claims, and moreover that the patents themselves were invalid. The judge also ordered RealTime to pay T-Mobile’s costs. RealTime, represented by Cooley, filed a notice of appeal but dropped it as part of a larger deal with T-Mobile.

Gibson Dunn lawyers are also lead counsel for CLS Bank International in a software patent dispute with Alice Corp. now pending before the U.S. Supreme Court.

—JENNA GREENE

FIRM FACTS:

■ **Year founded:** 1890 ■ **Largest office:** New York ■ **Total attorneys:** 1,214 ■ **IP partners:** 45 ■ **IP associates:** 90 ■ **Patent agents:** 0