

## THE 2020 D.C. LITIGATION DEPARTMENTS OF THE YEAR

### Intellectual Property Winner

# Latham & Watkins

“We start with the end in mind, to optimize the opportunity to “win” short of trial—to achieve our client’s commercial objective—by preparing for trial,” Max Grant said.



MIKE MORIN

TARA ELLIOTT

MAX GRANT

#### DESCRIBE YOUR FIRM’S APPROACH TO LITIGATION AND YOUR STRATEGY FOR BUILDING SUCCESSFUL TEAMS FOR TRIALS OR OTHER MATTERS.

We are proud to have built a team of exceptional first-chair trial lawyers who consider ourselves peers, rather than being centered around just one or two rainmakers. With our team-first approach, we are able to rise to any occasion, no matter the size or complexity of the case; on any given day, I may be leading a case or happily carrying my colleague’s bag. We are also intensely focused on developing our next generation of trial lawyers and have the best [intellectual property] litigators in the business, from our technical analysts and young associates to our most senior partners. – *Mike Morin*

#### DISCUSS THE TWO BIGGEST INTELLECTUAL PROPERTY LITIGATION CASES YOUR FIRM WORKED ON IN 2019 AND HOW YOU REACHED SUCCESSFUL OUTCOMES.

We had an exceptional year with more than a dozen notable wins. One was for Janssen (a Johnson & Johnson company) in a patent infringement suit against its blockbuster, multibillion-dollar cancer drug DARZALEX. We were asked to take over the case midstream, implemented and executed a game plan, and secured a complete victory on summary judgment days before trial. Another was for Adobe, on its market-leading Acrobat product. As in the Janssen case, we took over the matter for trial. While plaintiff sought damages up to \$150 million, the jury awarded just 1% of that, later reduced to zero on JMOL. We employed our team-first approach in both cases, with multiple first-chair lawyers involved in each,

supported by incredibly talented and diverse teams of young partners and associates, who played significant and meaningful roles. – *Mike Morin*

#### WHAT ARE THE MOST CHALLENGING AND SATISFYING ASPECTS OF YOUR WORK IN LITIGATION?

Going to trial with our team is the ultimate challenge, and delivering our client a jury verdict is the most satisfying result. We start with the end in mind, to optimize the opportunity to “win” short of trial—to achieve our client’s commercial objective—by preparing for trial. We do that by empowering our lawyers to act independently toward our collective goal. We take great pride when we see the team firing on all cylinders, taking initiative and giving us the edge we need to deliver for our clients; the team is greater than the sum of its parts. – *Max Grant*

#### WHAT IS THE MOST IMPORTANT PIECE OF ADVICE YOU’D SHARE WITH YOUNG LAWYERS?

Find a practice that both excites and challenges you. Surround yourself with solution-oriented lawyers. Early on, you learn to spot issues but it’s important to also problem-solve. In a demanding profession, it’s easier to put in the work necessary to be successful when you enjoy helping clients achieve their goals. – *Tara Elliott*

*Mike Morin is global vice chair of Latham’s intellectual property litigation practice and global co-chair of the health care and life sciences industry group. Max Grant, former global chair of Latham’s IP litigation practice, has tried over 25 IP cases to verdict. Tara Elliott is a prominent and experienced first-chair IP and commercial litigation trial lawyer.*