

## WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this special report, The National Law Journal takes the measure of litigation departments in our nation's capital. We asked top practices to tell us about their shops—head counts and revenues, and biggest wins and losses. Our staff scrutinized the data and selected the nine firms you'll read about in these pages. Williams & Connolly is the top honoree, but it was a close call, and we selected two runners-up: Boies, Schiller & Flexner and Covington & Burling. We also recognize firms with distinguished practices in intellectual property, general civil litigation, white-collar defense, insurance, products liability and labor and employment. —BETH FRERKING, EDITOR IN CHIEF

## LATHAM & WATKINS

### INTELLECTUAL PROPERTY

He wasn't just out front. In making Section 101 arguments in 2009 for a key client facing a high-stakes patent infringement suit, Matthew Moore was in another race.

Long before the Supreme Court's *Alice v. CLS Bank International* ruling made Section 101 of the U.S. Patent Act a patent holder's worst nightmare, Moore, the Washington-based global co-chairman of Latham & Watkins' intellectual property practice, was using it to help get Federal Home Loan Mortgage Corp. (Freddie Mac) out of a costly suit that grew to include 614 claims.

It took eight years—as the case stalled on a court's crowded docket—but Moore's strategy on patentable subject matter prevailed in May with an affirmance by the U.S. Court of Appeals for the Federal Circuit.

"Matt was prescient in that regard," said Howard Lindenberg, managing associate general counsel to Freddie Mac. "Matt's strategy and tactics in this were excellent."

It is one example of how the Washington office's "band of brothers," as Moore calls his Latham colleagues inside the Beltway, delivers for a wide range of clients using creative legal theories and a deep bench of first-chair litigators.

"We don't run our cases by simply using the same old defenses," Moore said.



MATTHEW MOORE

Latham has been on the forefront of taking cases to a new and increasingly important venue, the Patent Trial and Appeal Board. The firm has 45 matters before the board and claims a 97 percent success rate in getting petitions to stick. The firm has 30 lawyers licensed to practice before the venue.

Washington partners also led teams to decisive victories for Apple Inc. in eBooks trademark litigation, for A.B. Volvo in a patent infringement suit over integrated child safety seats,

for Honeywell International Inc. in a long-running dispute over night-vision goggle technology. Following five trials and an appeal, partner Lawrence Gotts led a team that extracted a record \$75 million settlement from the federal government.

And in the digital television space, a team of Washington and Silicon Valley partners fended off United Video Properties Inc.'s five-patent suit against Amazon.com Inc.

"Rick Frenkel and Greg Garre put together a first-rate brief and did a very good job at oral argument," said opposing counsel Mark Lemley, a Durie Tangri partner who argued the case before the Federal Circuit against Garre. "They are definitely A-plus lawyers."

The firm has also made strategic hires to expand its expertise in biologics technologies and pharmaceuticals, adding to the Washington office partners David Frazier, Michael Morin and Casey Dwyer. That team scored a win for AbbVie Inc. in a case over the blockbuster drug Humira.

"Their substantial involvement in this burgeoning area of biosimilars and handling some of the best selling drugs in the world further expands our capabilities in this area, giving us pole position in that space and moving us in front of the market," Moore said.

—GINNY LAROE

### FIRM FACTS

Name of firm: Latham & Watkins  
Total number of attorneys: 2,101  
Litigation partners firmwide: 196  
Litigation associates firmwide: 437  
D.C. litigation partners: 46  
D.C. litigation associates: 98

### KEYS TO SUCCESS

▶ Hiring top intellectual property talent across the board—partners, associates, technical analysts and paralegals—and integrating that talent as a real team.

▶ Focusing on the IP litigation dispute as a business issue and not simply a legal issue. By understanding our clients' business objectives, we're able to develop the right strategy, and assemble the right team to use litigation 'means' to achieve the business 'end.'

▶ Having a blast delivering great results to our clients.

—MATTHEW MOORE, PARTNER