



# INTELLECTUAL PROPERTY HOT LIST

A SPECIAL REPORT

ISTOCKPHOTO/JAMES BREY

## Skadden

*The National Law Journal* presents its second annual Intellectual Property Hot List. Among this year's group you'll find 20 law firms that have demonstrated creative, formidable talent in litigation, patent prosecution and deal-making. Some of the top teams operate within giant, full-service law firms with offices throughout the world; others practice at small shops that focus solely on intellectual property matters. Whatever their size, these firms' cases often have billions at stake, and patents involving impressive advancements in science and technology including ground-breaking pharmaceuticals; the contents of the food we put on our tables; and the ways we communicate with each other.

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JAMES ELACQUA

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Come plaintiff or defendant, trial or not, Skadden, Arps, Slate, Meagher & Flom's intellectual property lawyers were up to the challenge during the past year. Skadden, with more than 70 intellectual property lawyers based mostly in New York and Palo Alto, Calif., secured victories in 2012 for clients including medical-device giant Medtronic Inc., Morgan Stanley and software developer Aspen Technology Inc.

Palo Alto partner James Elacqua, chairman of Skadden's patent-litigation practice, said many of the firm's intellectual property lawyers have years of trial experience,

leading plaintiffs and defendants to bring their "crown jewels" to the firm. "They want someone who's done it before," he said.

Among Skadden's major victories in 2012 was a patent-infringement case Elacqua handled for Medtronic against rival W.L. Gore & Associates Inc. In the case before the U.S. District Court for the Eastern District of Virginia, Gore claimed that Medtronic infringed a patented method for making stent grafts used to repair blood vessels. The court in June sided with Medtronic; Gore has appealed to the U.S. Court of Appeals for the Federal Circuit.

Skadden last year picked up an intellectual property win for Morgan Stanley in a case involving data-storage company Realtime Data LLC. Realtime alleged that Morgan Stanley and other financial-services firms infringed a portfolio of the company's data-compression patents. The U.S. District Court for the Southern District of New York in November granted summary judgment in favor of Morgan Stanley and the other defendants. The Skadden team included partner Daniel DeVito and counsel Stacey Cohen in New York and Palo Alto associates Matthew Buchanan, Gareth DeWalt and Michael Saunders. Summary judgment is "very difficult to get," said Elacqua, who added that the case is under appeal in the Federal Circuit.

In Aspen's battle with competitor

M3 Technology Inc. in 2012, Skadden played offense. The firm argued that M3 engaged in patent infringement and trade-secrets misappropriation and breached a noncompetition agreement. A jury in the U.S. District Court for the Southern District of Texas in May awarded Aspen \$11 million. The Skadden team included partners Noelle Reed in Houston, P. Anthony Sammi in New York and Kurt Hemr in Boston, as well as counsel Christopher Lisy in Boston.

"I really feel like we do a really good job at" working on both defendant and plaintiff matters, Elacqua said.

—ANDREW RAMONAS