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IP Firms Of The Year

By **Nick Malinowski**

Law360, New York (January 01, 2010) -- Despite the recession, intellectual property litigation steamed forward in 2009, with the Bilski case before the U.S. Supreme Court, the reversal of the 2007 U.S. Patent and Trademark Office proposed rules package, the Federal Circuit's efforts to rein in damages in patent litigation and the largest patent verdict in U.S. history, among the many actions that grabbed headlines during the past year.

Law360's IP Firms of the Year — Finnegan Henderson Farabow Garrett & Dunner LLP, Fish & Richardson PC, Kirkland & Ellis LLP, Woodcock Washburn LLP, McKool Smith PC, and Patterson Belknap Webb & Tyler LLP — set the pace with massive verdicts and settlements, and key roles in policy changes.

Patterson Belknap Webb & Tyler LLP

Patterson Belknap made Law 360's top IP Firms list on the strength of its representation of Cordis Corp. in the \$716 million settlement with Boston Scientific.

Because most important IP cases go to trial, it's important to have lawyers that can take complicated cases and present them in simple, understandable ways, said Gregory Diskant, a senior litigation partner at Patterson Belknap.

The firm has eight cases scheduled for trial in the next 12 months, and Patterson Belknap prioritizes having a combination of patent specialists and generalists on its staff, he added.

While IP cases pertaining to health care and technology will remain the bread and butter of IP practices because they deal with change in areas that are tremendously valuable economically and warrant a substantial investment of resources, Patterson Belknap's trademark and false advertising group also remains active, he said.

In the past year or two, false advertising litigation has spiked as companies have fewer dollars to spend on advertisement and are trying to get the most out of their sales pitches, deputy managing partner Steven Zalesin said.

“It's a reflection of the economy,” Zalesin said. “People are obviously competing vigorously for market share and consumer attention ... are fighting even harder for the same limited number of dollars that are out there.”

Patterson Belknap made its bones representing Tylenol in a series of advertising lawsuits involving over-the-counter painkillers throughout the 1970s, when much of the law in the practice area was forged, Zalesin said.

In 2009, the firm successfully defended Coca-Cola Co.'s marketing of its Powerade ION4 sports drink.

Even as the economy continues to shake itself out of the doldrums, the effects of the crisis on advertising litigation are likely to linger, Zalesin said.

“Companies are not about to go back to doing business precisely the way they did it before,” he said.