

New York Law Journal

LITIGATION DEPARTMENT OF THE YEAR WINNER

Intellectual Property:
KIRKLAND & ELLIS



Kirkland partner Jeanna Wacker answered the questions.

What are some of the department's most satisfying successes of the past year and why?

One of the most satisfying things about Kirkland is the broad range of matters we handle for a diverse group of clients. Some highlights include winning rare reversals for a semiconductor manufacturer at the U.S. Court of Appeals for the Federal Circuit of three unfavorable Patent Trial and Appeal Board decisions that previously upheld the validity of patents

asserted by a non-practicing entity. Achieving a complete reversal of a PTAB decision in any case is rare, let alone in two on the same day and ultimately three within a month. Kirkland also obtained a jury verdict in favor of Take-Two Interactive Software in a suit involving the copyrightability of tattoos in video games.

Another success included navigating a pharmaceutical client through 14 district court cases, securing market exclusivity for its blockbuster cancer drug.

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We are also incredibly proud of our pro bono work and as one example of our many pro bono successes, Kirkland represented an inmate in proceedings challenging the constitutionality of his capital murder conviction, securing a rare bench ruling from the court that its client was ineligible for the death penalty under the Eighth Amendment.

A prospective client in crisis calls and asks why your team should be retained. What is your answer?

Kirkland is a firm with a remarkable spirit of collaboration. Our attorneys thrive when presented with a challenge, and they immediately jump into action to assemble a team tailored to address a client's challenges. We have the extensive bench and talent in our IP group to immediately mobilize an energetic team of lawyers with optimum backgrounds and experiences to implement the best plan of action—leveraging the insight from other practice areas when necessary—and we are able to do this in a matter of hours if needed. We have a truly national IP practice with cases in venues from coast to coast, supported by teams that work seamlessly across all of our offices in key markets. Our firm is a one-stop shop and we are able to draw on our vast firm resources and knowledge of our colleagues around the globe to resolve the crisis in the best way possible for our clients to achieve their business goals.

What traits do you respect most in opposing firms and lawyers?

Integrity and intellect. I prefer working against firms and lawyers who litigate the merits of the case rather than focusing on unnecessary issues that merely raise expenses and disrupt our clients' businesses. I also appreciate dealing with opposing counsel I can trust to honor our agreements and not have to memorialize every call.

What is the firm doing to ensure that future generations of litigators are ready to take the helm?

Kirkland does a great job training its lawyers to be trial lawyers. Kirkland requires all associates to participate in our yearly Kirkland Institute of Trial Advocacy ("KITA") training program that is a 2-3 day immersion exercise where associates try cases, including openings, live witness directs and crosses and closings. Our attorneys are then prepared to be on their feet and actively participate at trial well in advance of their peers from other firms. Kirkland also has a long tradition of encouraging pro bono work, which complements this extensive training program. Our associates are often taking depositions, taking witnesses at trials and arguing appeals through their pro bono work.