

## 2008 PATENT LITIGATION SURVEY

# Never a Dull Moment

Traditional manufacturers may make the best clients for patent lawyers, but patent-holding companies are sure stepping up the volume.

—By Joe Mullin

### WHO REPRESENTS PLAINTIFFS AND DEFENDANTS IN DISTRICT COURT?

RANK 2008	RANK 2007	FIRM	DEFENSE CASES
1	1	Fish & Richardson	61
2	2	Kirkland & Ellis	49
3	5	Morrison & Foerster	44
4	4	Howrey	43
	24	Winston & Strawn	43
6	3	Jones Day	37
7	7	Baker Botts	32
	9	Knobbe Martens	32
9	11	McDermott Will	31
10	11	Finnegan, Henderson	30
11	14	Kenyon & Kenyon	29
12	24	Alston & Bird	28
13	N/A	Akin Gump	26
	N/A	Brinks Hofer	26
	6	Foley & Lardner	26
	N/A	Morgan Lewis	26
17	N/A	Quinn Emanuel	24
18	N/A	K&L Gates	23
	15	Kilpatrick Stockton	23
20	24	DLA Piper	22
	10	Greenberg Traurig	22
	19	Sidley Austin	22
	19	Weil, Gotshal	22
24	28	Fulbright Jaworski	21
	27	Michael Best	21
26	N/A	McAndrews Held	20
	15	Wilson Sonsini	20

RANK 2008	RANK 2007	FIRM	PLAINTIFF CASES
1	7	Niro, Scavone	48
2	3	Fish & Richardson	37
3	N/A	Morrison & Foerster	25
4	2	Cooley Godward	23
5	14	Heller Ehrman	21
6	3	Foley & Lardner	19
	6	Howrey	19
8	7	Connolly Bove	18
	1	Jones Day	18
	17	Sidley Austin	18
11	14	Kenyon & Kenyon	16
	N/A	Townsend and Townsend	16
13	N/A	Fitzpatrick Cella	15
	N/A	Morgan Lewis	15

**FISH & RICHARDSON #1  
PATENT LITIGATION  
SURVEY 2008**

### WHO ARE THE DISTRICT COURT CHAMPS?

RANK 2008	RANK 2007	FIRM	TOTAL DISTRICT COURT CASES
1	1	Fish & Richardson	98
2	11	Morrison & Foerster	69
3	3	Kirkland & Ellis	63
4	5	Howrey	62
5	2	Jones Day	55
6	7	Niro, Scavone	54
7	27	Winston & Strawn	52
8	N/A	Knobbe Martens	46
9	4	Foley & Lardner	45
	13	Kenyon & Kenyon	45
11	18	Finnegan, Henderson	44
	9	McDermott Will	44
13	11	Baker Botts	42
14	N/A	Morgan Lewis	41
15	15	Heller Ehrman	40
	18	Sidley Austin	40
17	24	Alston & Bird	39
18	18	Kilpatrick Stockton	36
19	N/A	Townsend and Townsend	35
20	N/A	Akin Gump	34
	9	Cooley Godward	34
22	27	Fulbright Jaworski	33
	22	Michael Best	33
	N/A	Quinn Emanuel	33
25	N/A	Brinks Hofer	32
	16	Connolly Bove	32
	27	DLA Piper	32
	6	Greenberg Traurig	32
29	13	Weil, Gotshal	31
30	16	Perkins Coie	29
31	27	Goodwin Procter	27
	N/A	K&L Gates	27
	31	Wilson Sonsini	27
34	N/A	Wilmer	26
35	N/A	Banner & Witcoff	25

## 2008 PATENT LITIGATION SURVEY

### WHO REPRESENTS APPELLANTS AND APPELLEES AT THE FEDERAL CIRCUIT?

RANK 2008	FIRM	APPELLANT CASES
1	Fish & Richardson	12
2	Finnegan, Henderson	10
3	McDermott Will	8
4	Sidley Austin	8
5	Howrey	7
6	Robins, Kaplan	6
7	Knobbe Martens	5
8	Heller Ehrman	4
	Oblon Spivak	4
	Patterson Belknap	4
	Wilmer	4
	Winston & Strawn	4
13	Baker Botts	3
	Cooley Godward	3
	DLA Piper	3
	Greenberg Traurig	3
	Jones Day	3
	Kenyon & Kenyon	3
	Kirkland & Ellis	3
	Paul Hastings	3
	Vinson Elkins	3

RANK 2008	FIRM	APPELLEE CASES
1	Howrey	12
2	Paul Hastings	6
3	Dechert	5
4	Finnegan, Henderson	4
	Fish & Richardson	4
	Goodwin Procter	4
	McAndrews Held	4
8	Baker Botts	3
	Foley & Lardner	3
	Kirkland & Ellis	3
	McDermott Will	3
	Morrison & Foerster	3
	Wilmer	3

### WHO HANDLES THE MOST APPEALS?

RANK 2008	FIRM	TOTAL APPEALS
1	Howrey	19
2	Fish & Richardson	16
3	Finnegan, Henderson	14
4	McDermott Will	11
5	Sidley Austin	10
6	Paul Hastings	9
7	Robins, Kaplan	7
	Wilmer	7
9	Baker Botts	6
	Dechert	6
	Goodwin Procter	6
	Kirkland & Ellis	6
	Knobbe Martens	6
	McAndrews Held	6



Fish has maintained its top position, and flourished.



**METHODOLOGY:** Earlier this year we contacted more than 300 law firms, asking for a list of patent cases filed during calendar year 2007 in which they represented clients in federal district courts and in appeals at the Federal Circuit. The district court cases had to be active for at least two months during the year. Some firms listed multiple district court cases with the same plaintiff. If those cases involved the same patent, highly similar technology, or consolidated discovery, we counted all the cases as one.

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