

IP WHACK-A-MOLE

IP INSIDER/PATENT LITIGATION SURVEY

Suits by trolls still bedevil patent holders, despite efforts to rein them in.

BY LISA SHUCHMAN

PATENT ATTORNEYS ARE BY NOW well aware that 2015 saw a near-record number of patent cases filed in U.S. district courts. Now we can see who benefited most from all that litigation.

Coming as no surprise, Fish & Richardson once again took the top spot in our 2016 patent litigation survey, which is self-reported by law firms and ranks them by the number of patent lawsuits for which they were listed as counsel in

Fish & Richardson came in at the top with 321 cases.

2015. Fish reported that it handled 321 cases—289 defendants and 32 for plaintiffs. This marks the 13th consecutive year that the IP firm has ranked No. 1 in our survey.

Other firms ranking high on the list include Finnegan, Henderson, Farabow, Garrett & Dunner, DLA Piper, Baker Botts, Perkins Coie, Paul Hastings, Cooley and Winston & Strawn.

Regardless of the rankings, the numbers demonstrate that despite efforts to curb patent litigation, it is still pervasive. An estimated 5,828 new patent lawsuits were filed in 2015, according to Lex Machina's 2015 Patent Litigation Year in Review. That was 15 percent more than were filed in 2014 and second only to the record number of cases filed in 2013.

THE TALLY: OVERALL

Plaintiffs and defendants, combined

RANK 2016	RANK 2015	FIRM NAME	DEFENDANT	PLANTIFF	TOTAL DISTRICT COURT CASES
1	1	Fish	289	32	321
2	3	Troutman Sanders	65	45	110
3	2	Finnegan	42	65	107
4	5	DLA Piper	78	7	85
5	15	Baker Botts	68	14	82
6	4	Perkins Coie	62	16	78
7	NA	Paul Hastings	21	55	76
8	18	Cooley	45	20	65
9	11	Winston & Strawn	58	5	63
10	10	Latham	51	8	59
11	8	Alston & Bird	51	7	58
12	19	Greenberg Traurig	45	12	57
12	11	Quinn Emanuel	37	20	57
14	14	Kilpatrick Townsend	44	10	54
14	6	Knobbe Martens	34	20	54
16	15	Goodwin Procter	40	13	53
16	43	Saul Ewing	1	52	53
18	15	Jones Day	30	22	52
19	NA	McKool Smith	20	29	49
19	19	Wilson Sonsini	41	8	49
21	NA	Sidley Austin	35	13	48
22	NA	K&L Gates	39	8	47
23	22	Akin Gump	38	8	46
24	38	Polsinelli	30	15	45
24	NA	Richards, Layton & Finger	43	2	45

Consistent with overall patent data for the year, most of the top-ranked firms spent a considerable amount of time defending their clients in the Eastern District of

Texas, which saw nearly 44 percent of the patent suits filed in 2015. The Eastern District has a reputation for being plaintiff-friendly, and is therefore a preferred venue for

patent assertion entities, or patent trolls, that buy up weak patents and then assert them against companies in the hope that they will settle rather than go to court. ■

FOR THE CHALLENGERS

Who tops the list in plaintiffs cases?

RANK 2016	RANK 2015	FIRM NAME	PLAINTIFFS CASES
1	3	Finnegan	65
2	NA	Paul Hastings	55
3	14	Saul Ewing	52
4	1	Troutman Sanders	45
5	4	Fitzpatrick	37
6	2	Fish	32
7	NA	McKool Smith	29
8	6	Barnes & Thornburg	23
9	11	Jones Day	22
10	17	Cooley	20
10	5	Knobbe Martens	20
10	9	Quinn Emanuel	20
13	14	Perkins Coie	16
14	9	Kirkland	15
14	32	Polsinelli	15
16	26	Baker Botts	14
17	26	Goodwin Procter	13
17	NA	Sidley Austin	13
19	26	Greenberg Traurig	12
19	NA	Step toe & Johnson LLP	12
21	17	Fox Rothschild	10
21	17	Kilpatrick Townsend	10
23	44	Pillsbury	9
23	NA	WilmerHale	9
25	45	Akin Gump	8
25	37	Fenwick	8
25	NA	K&L Gates	8
25	11	Latham	8
25	NA	Morrison & Foerster	8
25	23	Wilson Sonini	8
31	23	Alston & Bird	7
31	26	DLA Piper	7
31	NA	Norton Rose Fulbright	7
31	NA	Orrick, Herrington & Sutcliffe	7

FOR THE DEFENSE

When NPEs and others sue, they protect.

RANK 2016	RANK 2015	FIRM NAME	DEFENSE CASES
1	1	Fish	289
2	2	DLA Piper	78
3	9	Baker Botts	68
4	33	Troutman Sanders	65
5	3	Perkins Coie	62
6	6	Winston & Strawn	58
7	4	Alston & Bird	51
7	9	Latham	51
9	17	Cooley	45
9	17	Greenberg Traurig	45
11	14	Kilpatrick Townsend	44
12	NA	Richards, Layton & Finger	43
13	6	Finnegan	42
14	19	Wilson Sonsini	41
15	9	Goodwin Procter	40
16	NA	K&L Gates	39
17	9	Akin Gump	38
18	15	Quinn Emanuel	37
19	NA	Sidley Austin	35
20	16	Knobbe Martens	34
21	21	Pillsbury	33
21	NA	WilmerHale	33
23	20	Jones Day	30
23	38	Polsinelli	30
25	27	Fox Rothschild	29
25	NA	Norton Rose Fulbright	29
27	23	Fenwick	28
27	25	McDermott	28
29	21	BakerHostetler	26
29	NA	Morrison & Foerster	26
31	9	Kirkland	25
31	NA	Orrick, Herrington & Sutcliffe	25