

2009 PATENT LITIGATION SURVEY

## **A Little Less Buzz**

Our survey shows that patent litigators continued to be busy in 2008, though by the time the year ended they were definitely feeling the recession's sting.

—By Joe Mullin

METHODOLOGY: In 2007 & 2009 between 250-300 law firms were asked for a list of patent lawsuits filed in federal district court from the previous year. To be considered for the survey, the cases had to be active as of February 1st of that respective vear. Cases before the International Trade Commission or appellate courts were not counted. To qualify in 2008, a slightly different methodology was enacted; district court cases had to be active at least two months. A condition that remained constant for all years, 2007-2009, was that cases involving the same patent, highly similar technology, consolidated discovery, and, were listed in multiple district court cases with the same plaintiff, were counted as one.

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## FOR THE DEFENSE

2009	2008	2007	FIRM NAME	DEFENSE CASES
1	2	2	Kirkland & Ellis	48
2	1	1	Fish & Richardson	47
3	3	5	Morrison & Foerster	42
4	17	N/A	Quinn Emanuel	40
5	11	14	Kenyon & Kenyon	36
6	4	4	Howrey	31
7	12	24	Alston & Bird	30
7	18	N/A	K&L Gates	30
9	20	24	DLA Piper US	28
9	26	15	Wilson Sonsini	28
11	13	6	Foley & Lardner	27
12	10	11	Finnegan, Henderson	26
12	6	3	Jones Day	26
12	9	11	McDermott Will	26
12	N/A	N/A	Wilmer	26
16	13	N/A	Akin Gump	25
16	20	10	Greenberg Traurig	25
18	7	7	Baker Botts	24
18	N/A	11	Perkins Coie	24
18	4	24	Winston & Strawn	24
21	7	9	Knobbe Martens	23
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22	N/A	30	Gibson, Dunn	21
22		30 19	Gibson, Dunn Goodwin Procter	21 20

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## WHICH FIRMS WERE BUSIEST OVERALL?

	RANK 2009	RANK 2008	RANK 2007	FIRM NAME	TOTAL DISTRICT COURT CASES
	1	1	1	Fish & Richardson	77
	2	3	3	Kirkland & Ellis	57
	3	22	N/A	Quinn Emanuel	54
	4	9	13	Kenyon & Kenyon	52
	5	11	18	Finnegan, Henderson	50
	5	6	7	Niro, Scavone	50
	7	2	11	Morrison & Foerster	46
	8	34	N/A	Wilmer	44
	9	4	5	Howrey	43
	9	5	2	Jones Day	43
	9	8	N/A	Knobbe, Martens	43
	12	17	24	Alston & Bird	42
	13	25	6	Greenberg Traurig	41
	14	25	27	DLA Piper US	40
	14	9	4	Foley & Lardner	40
	16	31	N/A	K&L Gates	39
	16	N/A	N/A	McKool Smith	39
	18	20	N/A	Akin Gump	35
	18 19	<b>20</b> 31	N/A 32	Akin Gump Wilson Sonsini	<b>35</b> 34
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	19	31	32	Wilson Sonsini	34
	19 20	31 13	32 11	Wilson Sonsini Baker Botts	34 31
	19 20 20	31 13 11	32 11 9	Wilson Sonsini Baker Botts McDermott Will	34 31 31
	19 20 20 20	31 13 11 7	32 11 9 27	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn	34 31 31 31
	19 20 20 20 20 23	31 13 11 7 N/A	32 11 9 27 N/A	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling	34 31 31 31 30
	19 20 20 20 20 23 23	31 13 11 7 N/A 22	32 11 9 27 N/A 27	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski	34 31 31 31 30 30
	19 20 20 20 23 23 25	31 13 11 7 N/A 22 22	32 11 9 27 N/A 27 22	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best	34 31 31 31 30 30 28
	19 20 20 20 23 23 25 25	31 13 11 7 N/A 22 22 30	32 11 9 27 N/A 27 22 16	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie	34 31 31 31 30 30 28 28
	19 20 20 20 23 23 25 25 27	31 13 11 7 N/A 22 22 30 31	32 11 9 27 N/A 27 22 16 27	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter	34 31 31 31 30 30 28 28 27
	19 20 20 20 23 23 25 25 27 28	31 13 11 7 N/A 22 22 30 31 N/A	32 11 9 27 N/A 27 22 16 27 N/A	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English	34 31 31 30 30 28 28 27 26
	19 20 20 20 23 23 25 25 27 28 29	31 13 11 7 N/A 22 22 30 31 N/A 20	32 11 9 27 N/A 27 22 16 27 N/A 9	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward	34 31 31 30 30 28 28 27 26 25
	19 20 20 20 23 23 25 25 27 28 29	31 13 11 7 N/A 22 22 30 31 N/A 20 N/A	32 11 9 27 N/A 27 22 16 27 N/A 9	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward Ropes & Gray	34 31 31 30 30 28 28 27 26 25
	19 20 20 23 23 25 25 27 28 29 29	31 13 11 7 N/A 22 22 30 31 N/A 20 N/A	32 11 9 27 N/A 27 22 16 27 N/A 9 21	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward Ropes & Gray Kilpatrick Stockton	34 31 31 30 30 28 28 27 26 25 25 23
	19 20 20 20 23 23 25 25 27 28 29 29 31	31 13 11 7 N/A 22 22 30 31 N/A 20 N/A 18	32 11 9 27 N/A 27 22 16 27 N/A 9 21 18	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward Ropes & Gray Kilpatrick Stockton Morgan, Lewis	34 31 31 30 30 28 28 27 26 25 25 23 23
	19 20 20 23 23 25 25 27 28 29 29 31 31 33	31 13 11 7 N/A 22 22 30 31 N/A 20 N/A 18 14 N/A	32 11 9 27 N/A 27 22 16 27 N/A 9 21 18 32 N/A	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward Ropes & Gray Kilpatrick Stockton Morgan, Lewis Gibson, Dunn	34 31 31 30 30 28 28 27 26 25 25 23 23 22
	19 20 20 23 23 25 25 27 28 29 29 31 31 33 34	31 13 11 7 N/A 22 22 30 31 N/A 20 N/A 18 14 N/A	32 11 9 27 N/A 27 22 16 27 N/A 9 21 18 32 N/A 36	Wilson Sonsini Baker Botts McDermott Will Winston & Strawn Covington & Burling Fulbright & Jaworski Michael Best Perkins Coie Goodwin Procter McCarter & English Cooley Godward Ropes & Gray Kilpatrick Stockton Morgan, Lewis Gibson, Dunn Fitzpatrick, Cella	34 31 31 30 30 28 28 27 26 25 25 23 23 22 21