

CHICAGO LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The National Law Journal spotlights seven law firms with Chicago-based lawyers that demonstrate excellence in litigation and in five key practice areas: mass torts/products liability, intellectual property, labor & employment, insurance and white-collar defense. Lawyers represent an automaker in high-stakes ignition-switch litigation (the plaintiff in the first bellwether trial dismissed his case). They defeated the first concussion class action in the nation against a statewide high school athletic association. And they helped a tobacco manufacturer reach an agreement that resolves claims against it in a federal court, among other notable developments. Read more about top practices in the Windy City here.

WINSTON & STRAWN

INTELLECTUAL PROPERTY

Partner Michael Brody of Winston & Strawn won't name his favorite case from last year.

"It's like picking among my children," said the co-leader of the firm's more than 190-lawyer intellectual property department.

Yet one case, in which he and his colleagues represented the artificial turf maker FieldTurf USA Inc. when it challenged competitor AstroTurf LLC, had something special.

FieldTurf, owned by the sports surfaces and flooring company Tarkett Inc., started with three employees. In 2004, the company earned a patent for a softer and more shock absorbent turf made out of fake grass, sand and rubber particles. The company claimed AstroTurf infringed on the patent with at least 676 of its fields.

"They wanted to win as much—almost as much—as we did," Marie France Nantel, general counsel of company division Tarkett Sports, said. She called the Winston & Strawn team focused, dedicated, intelligent and creative.

The trial lasted longer than expected, she said, and the Winston team was "as strong on the last day as the first." The case resulted in a \$30 million jury



MICHAEL BRODY

verdict for FieldTurf. It was the largest patent infringement verdict ever in the Eastern District of Michigan, the firm said.

Winston & Strawn is now pursuing the tripling of damages, interest on damages and the recovery of attorney fees.

"When the patent system is focused on protecting certain rights like that, it's doing exactly what it's meant to do," Brody said. "It was a great case to do as a lawyer, because you were helping a client do something they believed in."

The FieldTurf win last year was one among several for the firm's intellectual property department, which has more than 70 lawyers based in Chicago.

Telecommunications is an area in which the firm has been looking to grow, Brody said. The firm won two rulings against Sprint Communications Co. for cable company clients in 2015.

In 2011, Sprint sued several large cable companies for infringement in Kansas, where it is based. Winston & Strawn represented Cox Communications Inc. in the dispute over 21 patents related to voice-transmission technology.

The firm worked to move the case to Delaware and convinced a judge to rule on six of the patent challenges early. Cox won in a summary judgement. The case is now on appeal to the U.S. Court of Appeals for the Federal Circuit.

The work helped Winston & Strawn gain another client against Sprint. Davis Polk & Wardwell, which represents Comcast Corp., brought the firm on as co-counsel. That dispute in Delaware culminated last year in the reversal of a \$27.6 million jury verdict against Comcast.

Winston & Strawn's pharmaceutical intellectual property specialists handled several cases last year too.

The firm represented generic drug companies Actavis Elizabeth LLC regarding a sleep-aid drug

and a testosterone replacement therapy and Teva Pharmaceuticals Industries Ltd. regarding an attention-deficit treatment. It also added a new client in the industry, Celltrion Healthcare Co. Ltd.

The pharmaceutical cases have been "at the heart of the practice" for many years, Brody said.

"What we were able to do last year for our clients was the same thing we were doing for them for a long time," he said. "It's the result of having a team that knows these clients and knows the field and knows the subject matter and knows how to win. And they did. That's what they always do." —KATELYN POLANTZ

"KEYS TO SUCCESS"

"ALL THREE CASES [IN TELECOMMUNICATIONS AND FOR FIELDTURF IN 2015] REALLY TURNED ON GETTING A JUDGE OR A JURY TO STEP INTO THE SHOES OF OUR CLIENT AND UNDERSTAND WHY THEY CARED ABOUT THE POSITIONS THEY WERE TAKING IN THE LAWSUIT, AND GETTING THEM TO SHARE THAT PASSION. TO BE HONEST, THAT'S MOST OF THE KEY TO ADVOCACY."

—MICHAEL BRODY