



F&R Beats McDermott, Foley As Top Patent Litigator

IP Law Bulletin (Friday, October 14, 2005)--Fish & Richardson PLC is by far the biggest patent litigator in U.S. courts, IP Law Bulletin's analysis of court dockets shows.

In the past two years, Fish & Richardson had 111 litigators appearing in federal courts on patent cases, our survey shows.

Measured by the number of attorneys listed as counsel in patent cases, Fish & Richardson dwarfs every other firm in the United States. Runner-up McDermott Will & Emery had 63 litigators listed as counsel, while Foley & Lardner had 52 litigators listed.

Other top patent litigation firms in the U.S. include Sidley Austin Brown & Wood; Robins, Kaplan, Miller & Ciresi; and Quinn Emanuel Urquhart Oliver & Hedges (see our full ranking below).

All told, our survey found that more than 6,000 attorneys represented clients in U.S. patent cases filed in the past two years.

With the rapid influx of general-practice firms encroaching on the turf once dominated by IP boutiques, many specialty firms have had to throw in the towel in recent years. Our ranking shows that only six of the 25 firms most active in U.S. litigation are IP boutiques.

But Fish & Richardson, which is mostly an IP firm, isn't deterred by the competition, said principal David L. Feigenbaum, who sits on the firm's management committee.

"We've built up our position as the top patent litigator over 125 years," he said. "We litigated Graham Bell's phone patents and the Wright brothers' airplane patents."

Feigenbaum said the firm is focused on maintaining its leadership position by grooming its own talent and by hiring laterals from other firms.

"We find that a mix of home-grown talent and lateral hires works well for us. While we try to preserve our firm's culture, the influx of outside talent is invigorating," he said.

The firm is most active in high-tech cases, and also takes some biotech cases. However, it's less active in pharmaceutical cases, which have become a staple for the litigation department of many larger firms.

Our survey covered every case in all U.S. district courts and the U.S. Court of Appeals for the Federal Circuit and counted the number of individuals at each firm listed as counsel in the case docket. More than 5,400 cases were cross-checked with computer software so individuals appearing in more than one case docket were listed only once.

The survey covered only the number of attorneys involved in patent litigation, not the number of cases covered by each firm. Hence a firm that staffs a case heavily is likely to be ranked higher than a firm that staffs leanly.

Moreover, the survey may have a slight slant toward plaintiff attorneys. Defense attorneys tend to be added to the docket later in proceedings, and the newest cases therefore may not include the listing of defense attorneys.

Below is a ranking of the 25 most active patent litigation firms in the U.S., measured by the number of lawyers listed as counsel in federal dockets:

- 1 Fish & Richardson
- 2 McDermott Will & Emery
- 3 Foley & Lardner
- 4 Sidley Austin Brown & Wood
- 5 Robins, Kaplan, Miller & Ciresi
- 6 Quinn Emanuel Urquhart Oliver & Hedges
- 7 Winston & Strawn
- 8 Fulbright & Jaworski
- 9 Wilson Sonsini Goodrich & Rosati
- 10 Kenyon & Kenyon
- 11 McAndrews, Held & Malloy**
- 12 Barnes & Thornburg
- 13 Duane Morris
- 14 Cooley Godward
- 15 Merchant & Gould
- 16 Fitzpatrick, Cella, Harper & Scinto
- 17 Paul Hastings
- 18 Akin Gump
- 19 Drinker Biddle & Reath
- 20 Holland & Knight
- 21 Niro, Scavone, Haller & Niro
- 22 Goodwin Procter
- 23 Blank Rome
- 24 McKool Smith
- 25 Nixon Peabody

Reprinted with permission from IP Law Bulletin Copyright © 2005