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TECH INDUSTRY LITIGATION TEAM OF THE YEAR FINALIST

WILMERHALE

Q&A Wilmer Cutler Pickering Hale and Dorr obtained a sweeping victory for Apple Inc. in a patent dispute over the tech giant's mobile payment service Apple Pay, helping to earn the firm a place as a finalist for the Tech Industry Litigation Team of the Year as part of the The Recorder's California Legal Awards.

Mark Selwyn, partner and co-chair of WilmerHale's intellectual property practice group, recently caught up with The Recorder about the firm's competitive advantage in explaining science and technology to juries.

What do you see as your team's most significant achievements over the past year?

WilmerHale has continued our record of success with landmark victories for clients in complex and cutting-edge intellectual property cases. We have achieved recent victories for:



Mark Selwyn of WilmerHale. Courtesy photo

- AGCO Corporation and Precision Planting after four years of hard-fought litigation.
- Swatch Group in U.K. litigation against Samsung when the court held that an online app store was responsible for trademark infringement arising from apps uploaded by third party developers.
- Comcast in a patent infringement case brought by NexStep.
- Activision Blizzard following nine years of a patent litigation against Worlds, the game owner of Call of Duty and World of Warcraft.
- Cisco Systems, Inc. against Centripetal Networks, when the U.S. Court of Appeals for

the Federal Circuit vacated a judgment exceeding \$2.75 billion, reportedly the largest patent infringement judgment in history.

- Apple Inc. against Universal Secure Registry, when the Federal Circuit affirmed a district court ruling invalidating four patents on 35 U.S.C. § 101 grounds.

What does your firm look for when hiring a litigator?

We try cases, and we win them. We have 40+ lawyers with first-chair trial and arbitration experience. Because we draw from a deep pool of talent across offices and disciplines, we can handle cases of any scope or subject matter—in any jurisdiction. We excel at showing judges and juries the narrative behind our clients' cases, and we understand the value of building credibility and trust. In addition, our trial teams are backed by the deep experience of our intellectual property, securities and regulatory lawyers, and an all-star appellate team.

Additionally, the diversity of our lawyers adds strength to our team. The results we have delivered for our clients have earned us the most sought-after

industry titles. Our attorneys must meet clients' needs as they rely on our strong understanding of their industries and business goals, pragmatic and clear advice and ability to deliver practical solutions to real-world problems.

What do you see as your firm's competitive advantage compared to other firms when a client considers you for representation on a piece of litigation?

We have three key competitive advantages.

First, we have one of the nation's strongest benches of trial lawyers. We know how to try cases and how to win. And our appellate specialists are experienced handling appeals at every level up to and including the U.S. Supreme Court.

Second, we speak science and technology. We have more than a hundred technically trained lawyers across an extraordinarily wide range of life sciences, computer science, and engineering disciplines. We can understand the most complex of technologies—and we can explain it to juries.

Third, we think outside the box. We specialize in cases at

the “intersection” of practice areas. For example, our IP litigators frequently partner with our antitrust and competition specialists on high-profile competitor to competitor or standards-based litigation. We also have enormous cross-border expertise—our U.S. based litigators frequently partner with our lawyers around the world on complex international litigation.

How is the business of litigation changing, and how are you adapting to those changes?

The world has become a smaller place, and our clients' needs do not stop at borders. The business of litigation has become increasingly global, and we have adapted by developing expertise to handle and run litigation of a global nature—whether in courts, administrative agencies, or arbitration.

In addition, technology permeates virtually everything we do. Our litigators are highly skilled in handling the toughest technology cases—and presenting them in ways that jurors can understand.

Finally, client service is paramount in everything we do. Our clients run 24/7, and so do we.