

IP Group Of The Year: Patterson Belknap

By **Dani Kass**

Law360 (January 20, 2023, 2:02 PM EST) -- Patterson Belknap Webb & Tyler LLP won more than \$2 billion for a software company that had its trade secrets stolen, prevented a generic version of Janssen's schizophrenia drug Invega Sustenna and cracked down on counterfeit surgical devices, earning the firm a place among Law360's 2022 Intellectual Property Groups of the Year.

The firm of around 200 attorneys is based solely in New York and features teams for both intellectual property litigation and intellectual property transactions. While Patterson Belknap has twice been recognized by Law360 for its food and beverage practice, this marks its first time receiving the award for IP.

Patterson Belknap's success in litigation comes from its "absolute dedication to client needs" across the firm, partner Adeel Mangi said. For example, when working on a pair of connected trade secrets trials in 2022, partners, associates and counsel worked seven days a week, 15 hours a day, for nearly a year, according to Mangi.

"People at Patterson are ready and willing to do that without complaint," he added.

But that intense workload is balanced by flexibility in calmer times, partner Steve Zalesin said in a joint interview with Mangi.

"We don't ask people or expect people to work nights and weekends and seven days a week when there isn't a pressing client need to do so," Zalesin said. "We respect people's personal lives. But when there is a pressing client need, people are only too happy and excited and willing to exhibit the kind of dedication that Adeel just discussed. We work hard, but not for the sake of working hard."

The trade secrets trial mentioned by Mangi ended in May 2022, with a Virginia state jury awarding their client, Appian Corp., a verdict of just over \$2 billion. That suit alleged Pegasystems Inc. ran a campaign to steal trade secrets and was able to get copies of confidential software from a government contractor working for Appian.

The litigation was "bet-the-company" stakes and had been split into one trial on the statute of limitations and one on the merits, with only a few weeks between, Mangi said.



"The stakes could not have been higher on both sides," he said.

The firm also brought in multiple big wins for Johnson & Johnson units.

In one case, subsidiary Janssen Pharmaceuticals was able to stop a generic version of its antipsychotic drug Invega Sustenna from coming to market by convincing a New Jersey federal judge to uphold its sole patent claim. While the judge issued his bench trial opinion in November 2021, the trial itself had been held over video in October 2020.

"Everybody was remote," partner Barbara Mullin said. "The judge was remote. The court reporter was remote. We had a witness as far away as Belgium. I think it was one of the first trials conducted over Zoom. It was an experience of a lifetime."

The firm also worked with J&J subsidiary Ethicon to crack down on counterfeit versions of surgical devices used to control bleeding during surgeries. While Ethicon's devices would dissolve when left in the body, as they are designed to do, the counterfeit ones did not.

The counterfeits were reported by a brain surgeon questioning the tools he was using, which was then reported to Ethicon. The company and firm were then able to find the counterfeiter, recall counterfeits and seize those products, before ultimately winning an \$18 million judgment for willful counterfeiting, along with multiple settlements, according to partner Geoffrey Potter.

Lastly, the firm was able to beat a case where its client, Allbirds Inc., was accused in a potential class action of making false claims about the environmental impact of its shoes, which is a key selling factor for the brand.

The New York federal judge overseeing the case in April ruled in favor of the shoemaker, saying the way Allbirds' carbon footprint markers for each product are reached are laid out in great detail on its website, meaning there's no question about how it's calculated, and there had been no proof that the formulas were wrong, Zalesin said. The judge additionally found that there was no basis to claims over animal welfare.

"It was a very significant threat to the client to have that advertising and marketing position under threat," Zalesin said.

--Editing by Gemma Horowitz.