

Intellectual Property Group Of The Year: Morgan Lewis

By Adam Lidgett

Law360 (January 21, 2025, 2:01 PM EST) -- The intellectual property group at Morgan Lewis & Bockius LLP clocked numerous wins in the past year, including a \$58 million attorney fee award for representing Oracle in a software copyright battle and a win at the U.S. International Trade Commission for Korean drugmaker Hugel, making it one of the 2024 Law360 Intellectual Property Groups of the Year.

"We really pride ourselves on being a full-service practice," Louis Beardell, Morgan Lewis' global intellectual property practice leader, told Law360. "A lot of firms say that, but our firm shows that we have a significant disputes practice."

Beardell said the firm has a significant patent and trademark prosecution practice, and also has substantial transactional support. Additionally, it has a strong intellectual property due diligence practice, which brings in a lot of litigation for the group, he noted.

"One of the strengths of the firm, in addition to having a trial-ready team, is we have a very deep scientific bench," Beardell said.

He also pointed out that Morgan Lewis' IP team has more than 50 people with Ph.D.s.

"That deep technology bench helps us handle all kinds of cases," according to Beardell.

One of those cases was a long-running battle on behalf of Oracle, in which Morgan Lewis won a \$58 million fee award in September. The case dates to 2010, when Oracle accused Rimini Street of copying its software. The law firm said a jury initially awarded Oracle \$90 million in the case in 2015, and that the fee award was one of the biggest historically.

Jason C. White, a Chicago-based partner at Morgan Lewis, told Law360 that the fee award was "pretty remarkable."

"You don't see cases like that — with that history — with that type of award," he said.

White also said that beyond the original damages award, there had been ongoing disputes over what



the firm believed were violations of initial rulings. He noted that the award was more than half the original damages award.

"That type of scenario, you don't typically see in a copyright case," he said.

Also in early October, the ITC backed a finding that medical aesthetic provider Medytox Inc. failed to prove two other companies wrongly used its antiwrinkle biotechnology to create another product.

One of those companies was Hugel Inc., which Morgan Lewis represented in a case where the commission affirmed an administrative law judge's final initial determination that found no violation of Section 337 of the Tariff Act of 1930, which prohibits importation through theft and trade secrets misappropriation.

Krista Venegas, an intellectual property partner in Morgan Lewis' Chicago office, said the Hugel case "highlights the diversity of our group in terms of the type of work we're doing."

Medytox alleged in its suit that "Hugel intentionally took one or more samples of Medytox's proprietary strains" of *Clostridium botulinum* bacteria without asking and used it to make its own products, which Medytox said amounted to wrongful "conversion" of its property.

"That theft claim was a case of first impression at the ITC," Venegas said. "Theft [and conversion] has never been used as a basis for an unfair act in an exclusion order at the ITC."

Morgan Lewis has also been representing Bausch Health and its Salix Pharmaceuticals unit in litigation related to its blockbuster diarrhea and brain disease drug, Xifaxan.

In April, the Federal Circuit upheld a decision that prevents Alvogen from releasing a generic version of Xifaxan until 2029.

Had Alvogen's Norwich Pharmaceuticals subsidiary prevailed at the Federal Circuit, it would have been able to enter the market, according to Mike Abernathy, a Morgan Lewis partner. But also, based on prior settlement agreements, other generic companies would be able to launch in the market, which would have eviscerated Bausch's business in this area, Abernathy added.

He said lawyers often talk about "bet the company" cases, and that he thought the team at Morgan Lewis knew that the stakes in that case made it one.

"And we certainly treated it that way," Abernathy said.

According to Beardell, the firm's intellectual property practice group has about 225 attorneys, patents agents and technology specialists. Of that group, about 200 are attorneys, he said.

The firm has IP presence across the globe, including in Tokyo, Shanghai, London, Munich and Paris, Beardell noted. Additionally, the group has presence in Boston, Philadelphia, Miami, Houston, Washington, D.C., Chicago, Seattle, Wilmington, Delaware, and across California, he said.

Morgan Lewis' significant focus on IP is evidenced by its recent addition of two disputes partners in London, three disputes partners in Munich and one trademark partner in Paris, Beardell highlighted.

"We have been full-service for many, many years, and the group was started as a full-service group ... we've continued to grow in each area," he said. "We're actively recruiting in patent and trademark prosecution and every other area."

--Editing by Covey Son.

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