Professor Janicke’s research regarding the trends in the number of patent dispute lawsuits filed from 1991 to 2010 was mentioned in an article distributed by Reuters.

The following article was distributed by Reuters on Thursday, August 18, 2011:

Some law firms to lose out in Google-Motorola deal
http://www.reuters.com/article/2011/08/18/motorola-google-legal-idUSN1E77H19620110818

Aug 18 (Reuters) - While Google Inc's (GOOG.O) acquisition of Motorola Mobility Holdings Inc (MMI.N) would clearly be a boon for one top litigation boutique, some other prominent law firms could lose out.

Quinn Emanuel Urquhart & Sullivan is the law firm that both companies have hired most often to handle their patent litigation work, and the Los Angeles-based firm likely will remain top choice after the $12.5 billion deal passes regulatory scrutiny. The two companies also have a smattering of other law firms in common -- including Kilpatrick Townsend & Stockton and Potter Minton. But it is improbable that all of the law firms, particularly those that Motorola relies on, will remain on the roster after the two companies finalize the acquisition, which is expected by early 2012.

Google and Motorola declined to comment for this story.

Among the vulnerable firms are those that have represented Apple Inc (AAPL.O) in various matters, which might not sit well with Google. Ropes & Gray and DLA Piper fall into this category. Google has locked horns with Apple over mobile-phone software, and Apple has filed lawsuits against Samsung Electronics (005930.KS), HTC Corp (2498.TW) and Motorola in the United States and abroad claiming that their software, Google's Android, infringes on Apple's technology. Other patent infringement lawsuits are pending. In some, the companies are defendants and in others they are plaintiffs or third parties.

The ground could also be shaky for law firms Motorola has used for matters not related to patent litigation. Winston & Strawn, for example, is the firm Motorola turned to when it sold its wireless network infrastructure business last year to Nokia Siemens Networks [NOKI.UL] for $1.2 billion and also to handle its $3.9 billion purchase in 2006 of Symbol Technologies.

Google used Cleary Gottlieb Steen & Hamilton for the Motorola deal and would likely use the firm again on major future deals, said Sam Thompson, director for the Center for the Study of Mergers and Acquisitions at the Pennsylvania State University Dickinson School of Law. "If Google does a major transaction, the work probably is not going to go to Winston & Strawn," Thompson said.

Ropes & Gray did not respond to messages seeking comment. DLA Piper and Winston & Strawn declined to comment.

LITIGATION BOOM
Patent litigation is among the most lucrative and attractive work for law firms -- spawned largely by the explosion in Internet, smart phone and computer technology. From 1991 to 2004, lawsuits filed involving patent disputes rose from about 1,200 per year to nearly 3,100, according to research led by Paul Janicke at the University of Houston Law Center. The number of cases dropped in 2005 and continued to do so from 2006 to 2009. Last year, they were on the rise again, to about 2,800.

Google is known for using a relatively small number of law firms to handle its patent litigation, general litigation and deal work. In the last five years, 450-attorney Quinn Emanuel has worked on most of Google's litigation, almost exclusively patent litigation, according to Monitor Suite, a Thomson Reuters database of company-profiles. At the same time, Quinn handled most of Motorola's litigation in the last five years, especially in the smart-phone wars against Apple and Microsoft.

For its part, Motorola turned to DLA Piper for much of its patent litigation. The law firm is currently representing the company in an infringement lawsuit in Texas federal court against TiVo pertaining to digital video recorders. Other national law firms that Motorola uses are Steptoe & Johnson; Alston & Bird; Jones Day; Seyfarth Shaw; and McGuireWoods, according to Monitor Suite.

One upside for firms now handling litigation work for Motorola is that a merged Google-Motorola would be unlikely to boot them off of pending cases, Thompson said. An exception would be if there were a conflict of interest. "If the firm's doing a competent job, the last thing you want to do is intercede." What's more, since Google will run Motorola as a separate business, Motorola may have the flexibility to hire the firms it wants on smaller matters, he added.

But for patent litigation, Google would likely rely on the firms it knows, Thompson said. Besides Quinn Emanuel, one of Motorola's go-to national firms for patent litigation in the last five years has been Ropes & Gray, according to Monitor Suite. The Boston-based firm represented Motorola in a multijurisdictional dispute against BlackBerry-maker Research In Motion Ltd (RIM.TO), alleging infringement of patents. The matter settled, resulting in "significant royalties to Motorola," according to Ropes & Gray's website.

Even if the acquisition isn't a pink slip for Motorola's outside counsel, law firms wanting to remain on the list will have to win a spot, said Jon Lindsey, managing partner in the New York office Major, Lindsey & Africa, an attorney placement firm.

"It does mean that (the law firm) has to prove itself all over again," he said.

(Reporting by Leigh Jones; Editing by Eileen Daspin)