

APPELLATE **HOT LIST**



A SPECIAL REPORT

We've identified 20 firms with outstanding achievements before the U.S. Supreme Court, federal circuit courts and state courts of last resort. The range of matters they handled were vast—from same-sex marriage to big-bank class actions to intellectual property battles. We asked our readers to nominate firms with at least one significant appellate win since January 2013 and with an impressive track record overall. To settle upon the firms listed below, we supplemented that material with our own reporting.

MORRISON & FOERSTER

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Morrison & Foerster

When Deanne Maynard joined Morrison & Foerster in 2009, fresh from a job in the office of the U.S. solicitor general, her goal was to build up the firm's intermediate appeals court practice.

Morrison & Foerster had long enjoyed an impressive U.S. Supreme Court practice, established by former Solicitor General Drew Days III and Beth Brinkmann. The latter left Morrison & Foerster in 2009 to join the U.S. Justice Department, and Days retired in 2011.

"What I wanted to do was build on what they had accomplished, maintaining our place in the Supreme Court bar but extending our role in the national courts of appeals," said Maynard, who practices in Morrison's Washington office.

Last year, her ambitions came

to fruition when she and the appellate group she leads won key federal appellate cases on issues ranging from patent protection to antitrust class action law to Internet privacy.

In July 2013 Maynard helped drug companies Sandoz Inc. (a division of Novartis A.G.) and Momenta Pharmaceuticals Inc. secure a huge win in their attempt to challenge the validity of Teva Pharmaceutical Industries Ltd.'s patents on a top-selling drug for multiple sclerosis. Sandoz and Momenta, partners in a licensing deal, had lost at trial, but appealed to the U.S. Court of Appeals for the Federal Circuit, which found that some of Teva's patents were invalid. The decision potentially paved the way for Sandoz and Momenta to enter a multibillion-dollar market.

"It was an appeal that was widely expected not to go anywhere," said Leda Trivinos, chief patent counsel of Momenta. "She's very smart, and very good at distilling down the essence of the case." Teva appealed the case to the Supreme Court, which heard arguments in October.

A decision is pending.

Maynard and her team have notched other appellate victories for a broad array of clients. Partner Benjamin Fox convinced the U.S. Court of Appeals for the D.C. Circuit to reverse a lower court ruling allowing AF Holdings, a firm holding copyrights to pornographic material, to subpoena Internet service providers to obtain customer identities. The ruling was seen as a victory against so-called copyright trolls.

Morrison & Foerster also argued successfully for Residential Capital in an appeal of a bankruptcy court ruling over application of an automatic stay to litigation brought by the Federal Housing Finance Agency.

In September, the firm brought on Joseph Palmore, a veteran of the solicitor general's office as well as the Federal Communications Commission, to co-head the appellate practice. "We've had such a great success in establishing ourselves as a nationwide appellate practice, we needed more help," Maynard said.

—CARLYN KOLKER