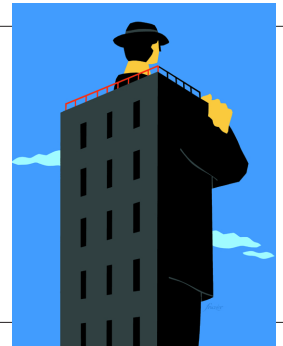


Who Protects IP America

In the Fortune 250 market, many firms have a piece of the action.

Introduction By Mark Voorhees
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Let's talk about market share. In the IP world, it's a single-digit affair. IP firms simply don't dominate the market in the way that, say, Wilson Sonsini Goodrich & Rosati once ruled the Silicon Valley deal domain and that a handful of New York firms control the corporate finance corner of the universe. Yes, boutiques are disappearing faster than you can say inequitable conduct. Yes, large general firms are marching into this market with intensity, if not expertise. But no, there simply is not a top dog; there's a pack.

For the past four years, we have asked the Fortune 250 to name their primary IP firms, specifically their primary litigation counsel and primary patent prosecution counsel. A group of firms with familiar names like Finnegan, Howrey, Fish, and Kirkland have done well each year, winning the IP business of the largest U.S. companies; plenty of others pick up bones here and there also. This year, 130 companies identified their primary IP litigation counsel. The leading trial firms were Finnegan, Henderson, Farabow, Garrett & Dunner (nine mentions); Kirkland & Ellis (eight); Howrey Simon Arnold & White (seven); and Jones Day (seven). As a share of the market, each of these firms has between (magnifying glasses, please) 5 percent and 7 percent. (The market share for prosecution is equally small. Howrey led the field with four mentions out of 82 companies that answered that question, a 5 percent bite of the market.)

We come to praise these firms, not to bury them. Though their market share may be small, these firms keep winning assignments. Three of this year's leaders—Finnegan Henderson; Howrey; and Kirkland & Ellis—have made our cut of top IP firms (most mentions in prosecution and litigation combined) each of the four times we have done this survey. The fourth, Jones Day, missed the grade only once. Six other firms have made the combined list all four years: boutiques Brinks Hofer Gilson & Lione, Fish & Neave, Fish & Richardson, and general firms Alston & Bird, Baker Botts, and Vinson & Elkins.

A place on the list is not a sinecure. Corporations have to select firms each year, and they sometimes make changes. General Electric Company, for example, no longer listed Weil, Gotshal & Manges; Banner & Witcoff; and McAndrews, Held & Malloy as primary IP counsel but has added Fish & Neave, Goodwin Procter, and Jones Day to its stable. As the sausage maker, we are aware of the limitations of this exercise. Just over half of the 250 companies responded. Some firms encourage their clients to fill out the surveys; others have their heads in the sand. In life and on this survey, the client has the last word.

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TOP IP FIRMS	NUMBER OF MENTIONS
Finnegan Henderson	12
Howrey Simon	11
Kirkland & Ellis	10
Jones Day	9
Baker Botts	8
Alston & Bird	7
Fish & Neave	6
Fitzpatrick, Cella	6
Leydig, Voit	6
Banner & Witcoff	5
Foley & Lardner	5
Greenberg Traurig	5
Vinson & Elkins	5
CARLSON, GASKEY & OLDS	4
Conley Rose	4
Faegre & Benson	4
Fish & Richardson	4
Rader, Fishman	4
Sidley Austin	4
Firms mentioned most often for litigation and patent prosecution	

METHODOLOGY

We asked the general counsel of the Fortune 250 which primary firms they used for IP litigation and for patent prosecution. This is how we advised the GCs in making the selection: "Primary outside counsel can be the firms that are on the company's preferred list; the 'go-to' firms; firms that handled the most important cases in the previous year; firms used most often; and/or firms with the most billings. You decide."

We received 133 responses from companies. Of those, 130 provided litigation firms, and 82 provided prosecution counsel. For companies that participated last year, we included their responses on the survey forms. They were free to update their outside counsel.

PATENT PROSECUTORS

	Number of Mentions		Number of Mentions
Howrey Simon	4	Cantor Colburn	2
Baker Botts	3	CARLSON, GASKEY & OLDS	2
Conley Rose	3	Faegre & Benson	2
Finnegan, Henderson	3	Fish & Neave	2
Fitzpatrick, Cella	3	Jones Day	2
Greenberg Traurig	3	Kirkland & Ellis	2
Alston & Bird	2	MacMillan, Sobanski	2
Banner & Witcoff	2	McDonnell Boehnen	2
Brooks & Kushman	2	Oppenheimer Wolff	2
Burns, Doane	2		

Company	Top IP Officer(s)	IP Litigation Counsel	Patent Prosecution Counsel
Masco	Lloyd Doigan, corporate counsel-IP	CARLSON, GASKEY & OLDS; Foley & Lardner; Rader, Fishman	CARLSON, GASKEY & OLDS
United Technologies	Robert Hayter, chief counsel-IP	Bachman & LaPointe; Bartlit Beck; CARLSON, GASKEY & OLDS; Niro, Scavone; Wall Marjama	Bachman & LaPointe; CARLSON, GASKEY & OLDS; Wall Marjama

CARLSON, GASKEY & OLDS, P.C. Intellectual Property Lawyers

- IP Law & Business magazine lists Carlson, Gaskey & Olds as one of the top intellectual property firms in America.

How did a small firm like ours receive accolades alongside firms many times larger? Strong client relationships. We take pride in developing and nurturing client relationships that last. As a result, leading organizations such as ArvinMeritor, Lucent, Masco, Siemens, and United Technologies trust Carlson, Gaskey & Olds to handle their intellectual property matters with the prompt, high-quality service they expect.

We focus on what we do best: intellectual property services for large companies. Because we are specialized, you can be assured that we will respond to your needs quickly, with no hassles. We select our clients carefully, identifying those that are sophisticated and willing to make the financial commitment to protect their intellectual property. By choosing to represent only first-class companies, we can streamline our operations and focus on what matters most: client service at an affordable price.

Because we specialize in serving large clients with sophisticated in-house staff, we provide the kind of service you desire, and should expect, from your intellectual property counsel:

- Prompt response to your concerns.
- Customized service tailored to your particular business needs.
- Sensitivity to clients' budget concerns.
- Expertise over a wide range of technologies.
- Depth of legal experience.

But don't take our word for it. Ask in-house attorneys who already rely on us – we can put you in touch.

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