

# TMT Team of the Year

## WINNER

# BIRD & BIRD

Jane Mutimear

*A crucial victory in an epic patent battle*

This renowned IP firm successfully advised longstanding client Nokia in its high-stakes, long-running patent litigation throughout Europe. Non-practising entities (NPEs) have been a familiar feature of patent lawsuits and a thorn in the side of tech companies in the US in recent years, and the arrival of NPE ICom in Germany suddenly brought the first major threat of similar patent litigation claims to Europe.

Bird & Bird mounted a strong defence for Nokia to ICom's claim that Nokia required a licence for its patents, seeking billions of pounds in royalties. Work began in 2008, involving 70 separate actions across 49 patent families, making it the biggest and longest-running patent litigation in the electronics sector.

So far, all patents that were challenged have been successfully defended. The firm's aggressive strategy of choosing to challenge ICom's patent portfolio, rather than to settle, has helped to set a benchmark for successfully protecting the use of valuable patents from NPE claims in Europe.

## HIGHLY COMMENDED

### ARNOLD & PORTER

Christopher Stothers

Stothers led the team that persuaded, on behalf of Danisco, the Technical Board of Appeal of the European Patent Office to revoke a Novozymes patent for enzyme formulation in animal feed pellets in accelerated proceedings, bringing to an end patent litigation in five jurisdictions.

### HERBERT SMITH FREEHILLS

Nick Elverston

The firm was sole adviser to Telefónica UK on its mobile phone network sharing arrangements with Vodafone. It was executed at a time of significant convergence among competitors in the sector, with the deal cutting costs for both companies involved.

### MILBANK, TWEED, HADLEY & McCLOY

Sean Keaton; Julian Stait

Milbank advised AstraZeneca on terminating its \$1.4bn, 60-country IT infrastructure contract with IBM,



(L-R) Bird & Bird's Jane Mutimear with Gill Appleby of Macrae Roxburgh Appleby

as well as being involved in the ensuing litigation. The exit from IBM was particularly challenging, given Milbank advised on the original deal.

### OLSWANG

Purvi Parekh

Olswang led for Vodafone on its joint venture with Telefónica UK, in one of the largest and most complex agreements in the telecoms industry, with the team acting on all corporate and commercial aspects of the deal.

### PINSENT MASONS

Simon Colvin

Pinsent Masons won the lead role as sole legal adviser to the Department for Culture, Media and Sport on its high-profile £530m Superfast Broadband project, which will deliver the fastest possible broadband across the country, including to the 'final third' rural areas that are uneconomical for commercial broadband providers to service.

### SIMMONS & SIMMONS

David Stone

The firm achieved a successful outcome for Samsung when its IP team was instructed to lead and co-ordinate on EU patent and design right issues in its ongoing high-stakes, multijurisdictional IP dispute with Apple. It obtained the first-ever declaration of non-infringement of a Registered Community Design in a UK court.

**'Bird & Bird's aggressive strategy helped to set a benchmark for successfully protecting the use of valuable patents.'**

# MRA

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