

# APPELLATE HOT LIST

A SPECIAL REPORT

Our 2017 special report features an elite group of lawyers and law firms that posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts. How do they do it? Luckily, these appellate aces offer great advice: listen to colleagues, answer the question, read good writing and, in oral argument, position yourself like a jazz musician—always be ready to improvise. Presenting this year's honorees in their own words, edited for clarity and length.

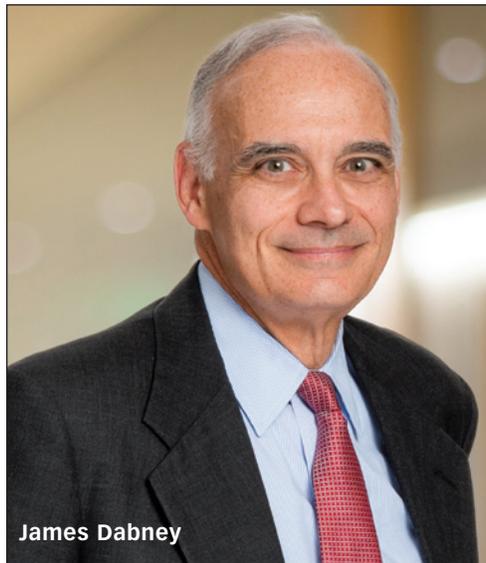
—Lisa Helem

## Hughes Hubbard & Reed

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL CIRCUIT COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.**

My team led TC Heartland to a U.S. Supreme Court victory in a case characterized as effecting a “sea change” in patent venue law. TC Heartland sought to dismiss Kraft Foods’ patent infringement lawsuit for improper venue, seeking instead to transfer it from Delaware federal court to Indiana, where the sweetener manufacturer is based.

After the district court and the Federal Circuit denied the request, the Supreme Court agreed to hear the case. In May 2017, we won a unanimous



James Dabney

decision that reversed decades of patent venue law. Following the decision, the parties settled all remaining claims and the Delaware action was dismissed.

■ **HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS**

**OVER THE PAST YEAR?** Hughes Hubbard & Reed achieved appellate success by preserving issues in the trial court and successfully executing on appeal. HHR is fortunate to have trial counsel who double as appellate and even Supreme Court arguing counsel.

■ **WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?**

1. Always be sure you know the meaning of terminology that you use (e.g., the word “invention”)

2. Re-read John W. Davis’ lecture, “The Argument of an Appeal,” before every argument.

*Responses submitted by Hughes Hubbard & Reed partner James Dabney.*