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These Firms Are Pulling In The Most Patent Litigation Work

By **Andrew Karpan**

Law360 (February 15, 2023, 5:37 PM EST) -- A former personal injury law firm that turned to intellectual property work during the pandemic filed more patent suits over the last three years than any other firm in the U.S., according to a new Lex Machina report.

The Chong Law Firm, a small firm based in Pennsylvania and Delaware, initiated 795 patent lawsuits between 2020 and 2022, **the new report** said, many of them on behalf of clients like patent-licensing businesses Valyrian IP LLC, Decatur Licensing LLC and Nimitz Technologies LLC, according to court filings.

The Top Firms for Patent Plaintiffs, 2020-2022

After turning to filing patent lawsuits amid the pandemic, The Chong Law Firm has skyrocketed to first place in patent suit filings from 2020-22.

Firm	Case filings from 2020 to 2022	High-volume plaintiff cases	No. of districts
Chong Law Firm	795	83%	12
Rabicoff Law	677	83%	25
Sand Sebolt	618	83.2%	23
Ramey	520	58.1%	22
Devlin Law Firm	499	58.3%	30
Direction IP Law	376	86.4%	24
Mort Law Firm	371	50.1%	9
Morris Nichols	346	1.7%	3
Russ August	264	76.9%	19
Kizzia & Johnson	242	95.5%	23
McKool Smith	236	59.8%	19
Fabricant	216	62%	3
Gawthrop Greenwood	214	90.7%	5
Garteiser Honea	204	81.4%	14
Ward Smith	204	37.8%	9

Meanwhile, Virginia-based Rabicoff Law and Ohio-based Sand Sebolt & Wernow lodged the second- and third-most suits for patent plaintiffs over the last three years, respectively. Rabicoff launched 677 suits during that time frame, and Sand Sebolt brought 618 cases.

Rounding out the top five are Houston-based Ramey LLP, until recently known as Ramey & Schwaller LLP, which filed 520 lawsuits, and Devlin Law Firm LLC, a firm in Wilmington, Delaware, that appeared in 499 cases.

Sand Sebolt partner Howard Wernow told Law360 that his firm's high-ranking haul was "not a recognition that we sought out, but rather, one that likely naturally evolved."

Some of Sand Sebolt's clients are an **Ohio inventor** who patented a dipping sauce holder and an Israeli technology company that is **suing U.S. retailers** over a patent covering a method "for embedding commercial information into broadcast media."

Ramey, run by a Houston lawyer, began filing a steady stream of patent suits two years ago. While the firm ranked fourth for filing the most patent suits over the last three years, its 329 suits in 2022 easily surpassed its rivals last year. In comparison, The Chong Law Firm launched 249 suits in 2022, and Devlin Law Firm filed 193.

It's a remarkable jump for Ramey, which only filed two patent suits in all of 2019, according to Lex Machina data.

"[We] want to even surpass last year's number this coming year too," Felipe Vega, operations manager at Ramey, told Law360.

Managing partner William P. Ramey III has represented clients including active patent licensing company AML IP, **which has sued** major retailers over patents covering e-commerce technology.

While the leading firms representing patent plaintiffs have varied over the years, the firms that have been hired to defend against them have remained more consistent.

The Top Firms for Patent Defendants, 2020-2022

Fish & Richardson once again topped the list of firms that defended the most patent cases over the last three

Firm	Case filings from 2020 to 2022	High-volume
Fish & Richardson	728	
Gillam & Smith	391	
Morris Nichols	272	
Winston & Strawn	264	
DLA Piper	261	
Perkins Coie	226	
Dacus Firm	159	
Baker Botts	156	
Quinn Emanuel	147	
Young Conaway	126	26
Richards Layton	124	2
Alston & Bird	123	
Shelton Coburn	123	
Potter Minton	122	
Morris James	116	23.5

Source: Lex Machina • Created with [Datawrapper](#)

At the top sits intellectual property boutique Fish & Richardson PC, which defended clients in 728 patent cases between 2020 and 2022. Fish & Richardson is followed by local counsel firms in Texas and Delaware, Gillam & Smith LLP and Morris Nichols Arshnt & Tunnell LLP, which defended against 391 and 272 suits during the same time period, respectively.

BigLaw's Winston & Strawn LLP and DLA Piper took the fourth and fifth spots, representing patent defendants in 264 suits and 261 suits, respectively.

Fish & Richardson, which also was the busiest patent defense firm last year, has remained "the most active law firm representing defendants, appearing on behalf of defendants in nearly twice as many patent cases as the next most active defendants' firm," according to the report.

"We take a lot of pride in the fact that we represent a lot of our most important clients in the places where patent cases are getting filed the most," said Fish & Richardson President and CEO John Adkisson, pointing to the firm's extensive presence in Wilmington, Delaware, as well as the Eastern and Western districts of Texas.

Most of Fish & Richardson's patent defense work — 65.4% — was in response to companies Lex Machina's report calls "high-volume plaintiffs," a larger percentage than any other that made the report's top 15 defense-side firms. In a footnote, the report notes many of those "high-volume" filers are also "non-practicing entities," though the report's use of the phrase "also applies to cases with operating companies that file a significant volume of patent cases."

Fish & Richardson has roughly 200 attorneys who are focused on litigating IP cases, Adkisson said.

Meanwhile, Gillam & Smith is a small boutique firm based in Marshall, Texas, that picks up local counsel work for major tech companies like Samsung and Apple when they are targeted in patent cases in the court of U.S. District Judge Rodney Gilstrap.

Local counsel work also puts Wilmington, Delaware-based Morris Nichols on the list. But unlike the rest of the firms mentioned in the Lex Machina report, the firm also boasts a substantial share of work for patent plaintiffs, pulling in 346 cases since 2020.

Morris Nichols lawyer Michael Flynn told Law360 the firm's plaintiff-side work comes from branded pharmaceutical companies, which employ it as local counsel on abbreviated new drug application cases. Flynn said these cases for the firm account for approximately 20% of overall patent filings in Delaware.

DLA Piper is also busy on the defense side and is well versed in helping clients fight suits brought by patent licensing businesses.

"As a matter of policy, DLA Piper does not and will not ever represent a patent-assertion entity," said Matthew Satchwell, vice chair of the firm's patent practice. "The reason we do that is because we like to represent the companies that are making and doing things in industries that are improving the world."

--Editing by Philip Shea and Lakshna Mehta.

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