

## Is Waco the New Texas Destination for IP Practices?

With intellectual property trial lawyer Alan Albright on the federal bench in Waco, the city could become a hotbed for patent litigation.

By **Brenda Sapino Jeffreys** | March 13, 2019 at 11:49 AM



Waco, Texas. (Photo: Christopher Boswell/Shutterstock.com)

Two Texas firms have opened offices in Waco this year, lured by a new federal district judge who was an IP litigator before he took the bench. The burning question is whether more law firms with intellectual property practices will flock there.

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Patterson + Sheridan, based in Houston, **opened** an office in Waco at the beginning of January, and Gray, Reed & McGraw **announced** its new Waco office not long after that.

A number of other Texas firms are taking a wait-and-see approach to opening an office in Waco, which is a 90-minute drive south from Dallas and perhaps best known as the home of Baylor University.

It also is where Judge Alan Albright of the U.S. District Court for the Western District of Texas is located. Albright, formerly a partner in the Austin office of Bracewell and a former U.S. magistrate judge, took the bench last fall as the only federal district court judge in Waco.

Patent case filings are up in the Western District of Texas. According to a DLA Piper IP and technology **alert** released Monday, only five patent cases were filed in Waco in 2016 and 2017. But 47 patent cases were filed since January 2018, including 25 so far this year.

“We certainly have our eyes on Waco and Judge Albright in particular,” said Kurt Pankratz, an IP partner at **Baker Botts** in Dallas. “We know him very well. He’s absolutely bringing energy and experience to that bench. It’s almost certainly going to be a patent hotbed.”

Baker Botts doesn’t necessarily need an office in Waco, because the firm has close to 100 IP lawyers in its Dallas, Austin and Houston offices, Pankratz said, but the firm is watching the market.

Trial firm **McKool Smith** is also eyeing Waco, said managing partner David Sochia.

“It is something we have talked about internally but haven’t made any decisions either way,” he said.

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Sochia said the firm has done “very well” in Marshall, in the Eastern District of Texas, which has long been a leading hotbed for IP litigation. But that status is waning in the wake of the U.S. Supreme Court’s *TC Heartland v. Kraft Foods decision*, which limits venue options.

Waco is “something to think about,” but the firm is taking a wait-and-see approach, because venue is an issue, he said.

“It’s not just a matter of having a judge interested in patent cases. It’s a venue you can file suit in,” Sochia said.

*Jackson Walker*, the largest Texas-only firm with seven offices around the state, doesn’t have a Waco office on the table, said Wade Cooper, the firm’s managing partner. He said Jackson Walker already has Waco “surrounded” with lawyers 100 miles away in every direction.

But Cooper said he plans to watch the market. The firm knows of Albright’s background, he said, and he expects an uptick in patent litigation in Waco.

“He will increase filings,” Cooper said.