

## McKool, Hennigan Merger Creates Tech-Savvy Trial Firm

By **Liz Hoffman**

*Law360, New York (September 1, 2011)* -- McKool Smith PC, a leading trial firm headquartered in Texas with six offices nationwide, and Los Angeles-based Hennigan Dorman LLP announced a fast-track merger Thursday that will create a coast-to-coast litigation heavyweight.

The move combines McKool's history of big jury verdicts with Hennigan's tech-savvy reputation, which was bolstered most recently by a settlement earlier this month in a contract dispute over the 3-D technology that brought the blockbuster movie "Captain America" to life.

The merger, expected to be complete by mid-September, will bring together more than 165 trial lawyers in seven offices nationwide. The firm will operate under the name McKool Smith, save for its California office, which will operate under the name McKool Smith Hennigan.

Mike McKool, co-founder and chairman of the Texas firm, said he worked with Hennigan founding partner Rod Dorman on a case early this year and was impressed.

"We were both surprised at how similar the firms were — our firm cultures, the way we make money, the way we handle cases," McKool said. "[The merger] wasn't on our wish list, but it seemed too good to be true. Hennigan Dorman has a fantastic reputation with complex litigation."

Hennigan's track record is especially strong in the tech corridors of Hollywood and Silicon Valley, where the firm has represented industry heavy hitters in patent and licensing suits.

In 2008, it successfully sued tech giant Texas Industries Inc. for patent infringement on behalf of a microprocessor producer, winning on appeal in the Federal Circuit.

The firm is currently taking on streaming video giant Hulu in the Federal Circuit, representing an online advertising company claiming the website ripped off its patented system to gate copyrighted content.

J. Michael Hennigan, a founding partner of the LA firm, said both firms' philosophies valued teamwork over statistics.

“The strength of the merger is people,” Hennigan said. “They've got a group of extraordinary trial lawyers and so do we. We're excited about it.”

The deal gives McKool, which already has offices in New York and Washington, a true coast-to-coast presence — and McKool said the firm plans to expand into the San Francisco area within two years.

“That national footprint is hugely important for both firms,” McKool said. “They wanted to be in New York, we wanted to be in LA and we both want to be in northern California.”

The merger also expands McKool's reach in the intellectual property and competition markets. Five years after its founding in Dallas in 1991, the firm opened an office in Marshall, Texas — located in the Eastern District of Texas, which quickly became a rocket docket for IP cases after new rules were implemented to speed up patent cases. McKool launched IP practices in its Dallas, New York, Washington and Austin, Texas offices in 2000.

The firm has turned heads with big jury verdicts, including a pair of patent infringement wins in 2010 over Microsoft Corp. that totaled nearly \$400 million.

More recently, McKool has represented interactive Web tech company Eolas in patent litigation, securing a flurry of settlements from defendants including Apple Inc., Texas Instruments, Playboy Enterprises International Inc. and JPMorgan Chase & Co. over claims that they infringed on Eolas' browser technology.

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