

Eastern District of Virginia: The Rocket Docket

Wiley has extensive experience with the so-called Rocket Docket in the United States District Court for the Eastern District of Virginia (EDVA). The co-chair of the firm's Litigation Practice, Attison Barnes, is a recent president of the Federal Bar Association chapter for the EDVA, and members of the Litigation Practice include multiple former EDVA law clerks and prosecutors. Wiley's Litigation Practice has a demonstrated ability in helping clients navigate successfully through the EDVA's Rocket Docket—the fastest federal trial docket in the country for complex commercial cases. The average Rocket Docket case lasts only eight to 10 months from the filing of the complaint to trial, and the court strictly enforces a 90- to 120-day discovery period. Continuances are rare, and non-dispositive motions are heard weekly to ensure speedy resolution. Its "business friendly" reputation adds to the appeal of this court.

The firm's litigators possess in-depth knowledge of the Rocket Docket and its unusual rules and predilections and use this knowledge to our clients' advantage. Plaintiffs often seek to file in the EDVA because the reputation of the court and the nature of the Rocket Docket may help resolve significant cases in which a plaintiff seeks the rapid determination of its rights. For any party in the EDVA, this court can pose both pitfalls and opportunities, and Wiley has vast experience and a proven track record in this court.

Recent representative matters in the EDVA include:

- Successfully represented TomTom in *TomTom, Inc. v. AOT Systems GmbH, et al.*, defending the company against claims that its navigation software infringed a patent relating to traffic data. The court granted summary judgment of non-infringement in favor of TomTom.
- On behalf of Hewlett-Packard, prevailed on a motion to dismiss allegations of fraud, RICO, and breach of contract arising out of a print services contract for the National Aeronautics and Space Administration (NASA).
- On behalf of Verizon Wireless, won a favorable claim construction in patent litigation, which led the plaintiff to dismiss its complaint with prejudice shortly before trial and with no payment of any kind.
- On behalf of Booz Allen Hamilton, obtained dismissal of a lawsuit filed by subcontractor for USAID financial sector project in Ukraine, alleging failure to comply with workshare obligations and fraud-related claims. During the litigation, the firm also obtained four sanctions awards against the plaintiff subcontractor and/or its counsel.
- Successfully obtained multiple pre-trial transfers of hundreds of domain names in cases under the Anticybersquatting Consumer Protection Act (ACPA) in favor of the entity authorized by the U.S. Federal

Trade Commission and the Consumer Financial Protection Bureau to operate the AnnualCreditReport.com website. Also litigated what is believed to be the first domain name cybersquatting case to go to trial under the ACPA, making new law on several issues.

- Successfully defended large restaurant chain in class action litigation under the Fair Labor Standards Act, defeating plaintiffs' attempts to create a class of thousands of former and current employees on wage-and-hour allegations.
- Obtained pre-trial dismissal of a conspiracy claim against a distributor of communications systems for underground mines.
- Defeated emergency injunction request by subcontractor related to terms of a contract for services to the U.S. Army Corps of Engineers, resulting in favorable resolution for the prime contractor, which was the firm's client.
- Obtained favorable result for international IT consulting firm arising out of attempts by former executives to steal government contracts, key personnel, and proprietary data.
- Obtained summary judgment in favor of an insurer, which ruling was affirmed by the U.S. Court of Appeals for the Fourth Circuit, on the grounds that an accountants' professional liability policy's prior knowledge condition to coverage had not been satisfied and the policy's innocent insured provision was inapplicable.
- Prevailed at trial, obtaining a favorable verdict affirmed by the Fourth Circuit that client was entitled to rescind three crime insurance policies.
- On behalf of Electronic Data Systems (EDS), defeated emergency TRO and obtained complete dismissal of seven-count complaint including breach of contract, conspiracy, tortious interference, and defamation filed by a subcontractor on a U.S. Navy prime contract.
- Represented Verizon Wireless in a multi-defendant patent infringement action where the plaintiff DNT LLC sought more than \$140 million in damages in connection with wireless data cards. Obtained jury verdict for the client, finding no infringement and finding the patent invalid on multiple grounds.
- Successfully pursued claims of breach of teaming agreement and improper solicitation of proprietary information and personnel against partner with respect to a proposal to the U.S. Department of State for Information Technology Worldwide Help Desk Support Services contract, and obtained favorable settlement after pursuing contempt sanctions for violation of a court order.
- Successfully represented a local startup company sued by industry giant in a lawsuit alleging infringement of multiple patents.
- Obtained multimillion-dollar recovery for U.S. airline in a breach of contract, breach of warranty, and negligence action against foreign entity engaged to repair airline engines.
- Secured, on behalf of client NTP Inc., a \$612.5 million patent infringement settlement with Research in Motion Ltd. (RIM), the maker of BlackBerry wireless email devices, which stemmed from a jury trial in which the firm successfully represented NTP..

- Successfully obtained dismissal of a 10-count complaint filed by Cavalier Telephone LLC, a competitive carrier in Virginia, which included antitrust, false advertising, and Communications Act claims.
- Prevailed on claims involving attempted domestication of Canadian judgments in which a court granted summary judgment before trial. On appeal to the Fourth Circuit, the victory was affirmed in part and certified in part to the Virginia Supreme Court, after which the case settled very favorably to our client.
- Successfully defended a client regarding an affinity marketing arrangement that was terminated.
- Successfully protected a client's rights in a trademark infringement, dilution, and unfair competition action, resulting in a favorable consent order entered by the court.
- Successfully pursued a Declaratory Judgment Action against the California holder of a trademark after a client's receipt of a "cease and desist" letter in Virginia. The court granted summary judgment in favor of the firm's client, resulting in the extinguishment of the opposition's trademark.
- Obtained a defendant's jury verdict on all counts in a Title VII case brought by a highly paid manager.