

Q&A with Elizabeth (Liz) Stotland Weiswasser & Sutton Ansley

Liz Stotland Weiswasser is co-chair of Weil's Global Litigation Department and a member of the Firm's Management Committee, and **Sutton Ansley** is a recently promoted partner in the Patent Litigation practice of Weil's Litigation Department. Liz and Sutton work together on a wide range of patent litigation cases. They spoke with Benchmark editor **Michael Rafalowich** on a variety of topics relating to their cases and practices, and to mentoring and team building.

About two years ago, you both were promoted – Liz to Co-Chair of Weil's Global Litigation Department and Sutton to partner. Can you reflect on your journey, how you have managed novel challenges in your leadership roles, and the traits you credit with your ascension to and success in your new roles?

Sutton Ansley: It's been a lot of work to get here. Early on in my career, I focused more on committing myself to achieving certain objectives and tasks, regardless of my workload. That commitment helped me quickly gain experience and advance my skills. Essential to this was, and still is, a healthy amount of optimism and being surrounded by an energetic team that was always looking for creative solutions and a winning edge. That positivity and eagerness was infectious, and something that I think exemplifies the Weil experience.

As I've advanced in my career, I've continued to benefit from that energy and sense of optimism, but my focus has shifted toward achieving broader client business goals, optimizing case management, and increasingly, developing our practice and mentoring associates. I spend a lot more time nowadays directing case activities and sharing the tips and practices that were passed down to me as a young associate. At the same time, where I am now feels very much like another stage in a longer evolution.

Liz Weiswasser: Sutton's response on this question embodies what is so exciting for me about helping to lead Weil's Global Litigation Department and the Firm as a whole. I worked with Sutton over the many years of his growth as a litigator, trial attorney, case manager, and leader. The opportunity to help develop talents like Sutton and bring them into the Weil partnership is among the most rewarding parts of my current role at Weil. Of course, we don't stop mentoring our partner talent after promotion; it just takes on a new dimension to best support and educate on what it means to be a great partner and business leader. It's a lot of fun now to have a role in this next key phase of Sutton's career (among others at the Firm) to help guide him



in strengthening the Weil platform, recruiting and nurturing top talent. As a Global Co-Chair of the Department and as a leader of the Firm as a whole, it is wonderful to guide overall strategy and talent development for the present and future litigation bench at Weil. Having been at the Firm now for almost three decades, and having served in a number of different roles at the Firm throughout these years, I have the perspective and experience to make a difference as we shape the next generation.

You each are domiciled in different offices – Liz in New York and Sutton in D.C. Could you speak to the advantages of this coverage and how it complements the framework of a national IP practice like Weil's?

Sutton Ansley: We've always talked about the "one-firm" approach and mentality at Weil, which rings true in my experience. Well before the days of Zoom meetings, as a junior associate I was normally staffed on matters with attorneys and paralegals from other offices, and those teams worked seamlessly. That's given me the opportunity to work with clients all over the country and in a diversity of venues. That integration obviously continues today.

Being in D.C. has its advantages, too. We're blocks away from the Federal Circuit, and still close to the ITC and the USPTO. That makes our D.C. office a hub for activity in those venues (among others), and we can provide important on-the-ground support for our colleagues and clients who are preparing for arguments and hearings. We also have access to a lot of in-person thought leadership, spanning conferences and talks from the various bench and bar programs hosted in the City. These factors help us attract a lot of great young talent, too.

Liz Weiswasser: The diversity of Weil's Litigation platform is multidimensional, and a key pillar of our diversity is geographic. Our U.S. litigators are in New York, D.C., Princeton, Boston, Dallas, Miami, Houston, and Silicon Valley, and they work alongside exceptional lawyers abroad in the U.K., France, and Germany. I echo Sutton's great point that this geographic diversity gives us a significant advantage in recruiting talent across the country. It also gives us opportunities to host our clients in person across our offices and engage more locally across industries than if we were more limited in our geographic reach. I love being boots on the ground in our various offices—whether preparing for court or depositions or client meetings or visiting with our litigators across the country on strategy, mentorship, and overall, strengthening our litigation platform. As the legal industry continues to evolve, the unique culture of Weil will continue to be key to our recruitment and development of talent. The organic diversity of our teams and our Firm makes us stronger.

From a practice standpoint, one of your biggest accomplishments over the past year – as a patent practice group as a whole and for each of you, personally – was a mega jury verdict for the plaintiff in a patent infringement dispute regarding smoking cessation technology. Can you discuss what went into achieving that success, and how it exemplifies Weil's reputation in court?

Sutton Ansley: There were a lot of challenges to overcome in this case, including at the jury trial, for our client. We filed this case at the very beginning of the pandemic, and we were all trying to figure out how to litigate in a virtual, work-from-home world. Plus, I was responsible for a lot of the case management, and needless to say I was very invested. So, after a longer-than-expected trial, hearing the jury affirm our client's side and award every last dollar of damages was truly cathartic. It was also my first trial since becoming a partner, which made it all the more special.

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To get there required a massive effort from a large, organized trial team. Everyone had their role, knew what they were supposed to do, and counted on each other. Regular meetings were instrumental for maintaining that teamwork, as was the vision to pursue certain trial themes that the jury could grasp. We also had a great trial team at all positions and ranks.

Liz Weiswasser: This experience and win was a highlight of my career. Sutton's response is spot-on and it was a great experience for me as a leader to work with Sutton and our Weil team and client team to get to this result. The trial itself showcased the intersection of our exceptional lead trial attorneys—especially my partners Diane Sullivan in New Jersey and Anish Desai in New York—along with Sutton who ran the trial and argued many of the key legal issues, and Adrian Percer in Silicon Valley who led our IPR work, where our adversary's IPR petitions on the patents for trial were denied. That really made a difference in strengthening our pre-trial and post-trial positions.

How often do you see patent cases ending up at trial? And, to that end, do you feel that there are certain qualities a litigator must possess in order to be an effective trial lawyer in cases that deal with so much granular scientific detail?

Liz Weiswasser: A lot of patent cases resolve prior to a trial and being a great patent litigator means being able to navigate the matter from the onset to achieve the best business result for our clients. Often that means advancing to a successful settlement. When we do have a trial, however, it is my job as a team leader to ensure that we put together a trial team that is the best for the particular case. Whether the trial is to a judge (bench)—such as in Hatch-Waxman Act cases or ITC cases—or whether it is to a jury (such as the case we discussed above) is important to consider. Some attorneys are really strong in a judge trial while others are natural advocates in front of a jury. Jury testing is really important to see who will best resonate in the particular matter and jury pool. It was awesome to watch our Patent Litigation Co-Head, Anish Desai, connect with the jury in the above case and distill technical concepts into points that would resonate with non-patent folks. It's hard to emphasize enough how difficult that is to master.

What new and emerging trends have you seen in the patent space in the last two years?

Sutton Ansley: One area undergoing change has been at the PTAB. The Director Review process is evolving and will be important to watch. As we practice a lot before the PTAB, we are watching the developments and decisions carefully.

In the area of patent law, patent eligibility remains an area of focus. Even though we are almost a decade removed from the Supreme Court's *Alice* decision, there is much discussion about ongoing uncertainty and unpredictability. The Supreme Court has passed on a number of cases that would allow it to further address the eligibility question, but there remains ongoing activity before the Court in this area that we are watching closely, along with Congressional activity, including a recently introduced bill called the *Patent Eligibility Restoration Act*.

How has the patent litigation landscape evolved as you've moved through your career, and what do you view as the most important changes you have witnessed?

Liz Weiswasser: The nature and scope of patent rights can be one of the most significant issues facing companies that focus on innovation. That has always

been true. But I have seen an evolution in terms of the attention that these issues receive at companies, with them now being a focus at the highest levels of corporate management, including corporate boards. There is a lot more focus on industries, including regulated industries, and for me understanding our clients' businesses and the industries in which they operate are core to success in patent litigation and more broadly in our role as outside counsel. The in-house teams at our clients are exceptionally sophisticated on the substance of patent law, patent litigation practice and strategy, and knowledge of the science and the overall industry. We as outside counsel teams must also be fully well-rounded and ready to serve and deliver great results in the most challenging of cases at the cutting-edge of the intersections of science and law.

Your work entails providing sound business judgment and counsel to a range of stakeholders – executives, in-house legal teams, engineers, inventors, and regulators. What's the secret to mastering the ability to have a dialog with such a disparate group, and how does that help you in court?

Sutton Ansley: I always focus on understanding the perspectives and aims and experiences of the in-house attorneys on our case teams. It is important to understand their roles and responsibilities and ascertain how to best help them in their role at the company. That requires a deep and dynamic understanding of the specific technology at issue, as well as the broader business and industry. Your audience will usually have a much greater understanding of the issues at first, so you have to really listen and ask the right questions. Maintaining and facilitating consistent and transparent communication is key.

Can you articulate how diverse teams contribute to the success of the patent practice group / firm?

Liz Weiswasser: Diversity is a dynamic concept and must be understood and approached from many angles. I am proud of the organic diversity of our Firm, our teams, and our clients. When we build teams we consider the diversity of perspectives and experiences that will maximize our performance and opportunities for obtaining the best results for our clients. As a woman leader of case teams and at the Firm, I have had the benefit of attracting incredible talent looking to be a part of diverse case teams that get great results.

How important has mentorship been in your career, both as mentor and mentee? Can you provide any examples where mentorship led to a successful outcome in a case, specifically?

Sutton Ansley: Mentorship has been extremely important to me. No one learns how to be an effective attorney all by themselves. I've been extraordinarily fortunate to be at a place like Weil where more senior attorneys have shown me the ropes and led by example, helping me to become a stronger advocate and exercise better judgement.

Liz has been critical in fostering my case management skills, particularly for large and complex litigations. As I mentioned, I put those skills into action in our recent jury trial win.

And as I've grown more senior, I'm not only mentoring more, but also taking a lot of professional satisfaction in doing so. It's one of the most rewarding aspects of this profession and one that makes you appreciate the importance of the team working with you, both at the Firm and the client.

Liz Weiswasser: Mentorship is everything and the importance of mentoring and being mentored never diminishes. Helping to mentor talent like Sutton

is not only rewarding, it also is critical to the success and strengthening of our Weil platform. Every day our team works together to focus on mentoring and developing the next generation of litigation talent. My mentoring focuses largely on leading large teams, learning and internalizing the businesses of our clients, and balancing the many dynamic and interconnected components of our lives. As a mentee, I benefit every day from the mentoring of our Executive Partner, Barry Wolf, who has helped me to evolve and grow as a leader and as a person.

Do each of you have members of the IP litigation community that you would like to give a shout-out to as notable practitioners that you would recommend for recognition by Benchmark? (These could be litigators based in either of your respective markets but they could also be players based in other jurisdictions as well.) Sutton, I am particularly interested in any up-and-comers within your peer group vintage.

Sutton Ansley: I've particularly enjoyed working with patent attorneys in the PTAB Bar Association's Conference Committee, and my admiration for them has only grown over time. They exhibit a selfless interest in elevating the quality of practice before the PTAB and have been a model for how to contribute to the profession while juggling a busy workload.

Liz Weiswasser: I really enjoy the virtual law firm approach that many of our clients take in building global outside counsel teams that are perfectly tailored to a particular matter. It's a lot of fun and very rewarding to work with my colleagues at other firms. While I am not going to shout-out any particular individuals, as there are many, I really appreciate the collegiality of practitioners in our field and the ways in which we come together to achieve the best results for our terrific clients.