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Q&A With Robins Kaplan's Ronald Schutz

Law360, New York (August 05, 2009) -- Ronald J. Schutz is chair of the intellectual property litigation group and a member of the executive board at Robins Kaplan Miller & Ciresi LLP. He is a fellow of the American College of Trial Lawyers, and in 2008 the National Law Journal named him to its annual list of the Top 10 Winning Litigators in the United States.

He attended Marquette University on an ROTC Scholarship where he graduated magna cum laude with a degree in mechanical engineering. He received his J.D., with honors, from the University of Minnesota Law School.

Q: What is the most challenging case you've worked on, and why?

A: The most challenging case I've ever worked on is actually a series of cases for St. Clair Intellectual Property Consultants Inc. involving a portfolio of patents they own relating to digital camera technology. To date I have tried three cases to verdict on the same patents. All of the cases were tried in Delaware before Judge Farnan.

The first case was against Sony and resulted in a verdict of \$25 million. The second case was against Canon and resulted in a verdict of \$34.7 million. The third case was against Fuji and resulted in a verdict of \$3 million.

I think we've dealt with every possible issue that can present itself in a patent case from ownership to re-exam and everything in between. In the Canon case there was a discovery sanctions issue that literally arose in the middle of trial regarding smoking gun documents that had been withheld by Canon and its lawyers that resulted in the trial judge striking their key defense. After the verdict the judge referred the case to a special master to determine what, if any, additional sanctions should be imposed on Canon and its lawyers.

That proceeding lasted about a year, during which I got to depose opposing counsel. The special master issued a 60-plus-page report and recommendation that called for

various sanctions against Canon and its attorneys. The case settled on confidential terms shortly thereafter. But the litigation continues. We currently have litigation on these same patents pending in Delaware against approximately 20 defendants.

Q: What accomplishment as an attorney are you most proud of?

A: Being named to the National Law Journal's annual list of the nation's top litigators in 2008. They have published this list for over 20 years and only about 200 lawyers have been named so it is an extremely select group.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Electronic discovery and discovery abuse. Regarding electronic discovery, the costs associated with producing electronically stored documents can be staggering. Rule 502 will help some in this regard, but more needs to be done. Regarding discovery abuse, given limited judicial resources, lawyers too often get away with obstructionist tactics. We need a way to streamline discovery disputes.

Q: Where do you see the next wave of cases in your practice area coming from?

A: The next wave of cases will come from industries involved in rapidly developing areas of the economy which will probably include medical devices and health care. Companies in these areas will seek a competitive advantage and litigation may be one of the tools they use. I think you will continue to see a lot of litigation in the generic-drug area and consumer electronics.

Q: Outside your own firm, name one lawyer who's impressed you, and tell us why.

A: Morgan Chu of Irell & Manella LLP. He has a great track record as a trial lawyer and is somehow able to juggle a large case load along with his many firm administrative matters and outside board activities.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Take ownership of whatever case you're working on regardless of where you are in the staffing hierarchy. Make yourself invaluable to the case. When the partner in charge of the case needs an answer to a question, you want him to call you.