

## CASE STUDY

# Securing Attorneys' Fees for the Client and Praise from the Judge

*"Defendant's counsel could not have achieved a better result for their client."*

—U.S. District Court Judge Kenneth A. Marra, in his award of attorneys' fees to Pillsbury's client Atlas Copco



Client:	<b>Atlas Copco</b>
Industry:	Tools and machinery
Areas of Law:	Patent infringement, breach of contract, appellate
Venues:	U.S. District Court for the Southern District of Florida, U.S. Court of Appeals for the Federal Circuit
Result:	Capped a successful defense with a seven-figure attorneys' fees award



Pillsbury litigators are always pleased to receive thanks and compliments from clients for a job well done. But hearing them from a federal judge in a written opinion is special affirmation for any attorney.

Pillsbury IP attorneys have been representing Atlas Copco, a global tool and equipment company, against a competitor for nearly a decade. The competitor's high-speed grinding tool had at one time been sold by Atlas Copco, but that relationship had ended. The competitor nonetheless filed suit alleging breach of contract, patent infringement, false advertising, and other charges—seeking more than \$200 million in damages.

Atlas Copco prevailed repeatedly in litigation, defeating claims on summary judgment, in a jury trial, and in a subsequent appeal to the U.S. Court of Appeals for the Federal Circuit. Atlas Copco then sought to recover its costs and fees. The companies' original contract awarded "legal costs and expenses" to the victor in any breach of contract litigation. The district court awarded over \$200,000 in costs but excluded any award for attorneys' fees. Atlas Copco then won the attorneys' fees issue on appeal at the Federal Circuit.

When the case returned to the District Court, the judge noted Pillsbury's efficiency and effectiveness as he awarded \$1 million in attorneys' fees to Atlas Copco: "The Court also notes that Defendant was completely successful, and Defendant's counsel could not have achieved a better result for their client."

The judge's sentiment was shared by longtime client Atlas Copco: "Pillsbury has done a great job supporting us all the way through this case," said General Counsel, Operations, and Vice President Håkan Osvald. "Very rarely have we been able to get any legal fees and costs back in litigation in the U.S. and we see this as almost ground-breaking."