

LITIGATOR OF THE WEEK

William Price of Quinn Emanuel

January 16, 2009

In the marketplace of trial lawyers, William Price of Quinn Emanuel Urquhart Oliver & Hedges doesn't have the brand identity of, say, a John Kecker or a David Boies. But he has quietly and quickly developed a record that rivals those of the best in the business. Price's latest victory came a week ago in Delaware federal court, where he represented Micron Technology in an IP bench trial against Rambus, the litigious high-speed memory chip designer. Last Friday, federal district court judge Sue Robinson ruled that Rambus could not enforce its patents against Micron, citing Rambus's destruction of documents that might have been evidence in the case. The consequences of Micron's victory were immediately apparent: Rambus's stock price fell 39 percent after Judge Robinson's ruling was announced.

Price also served as cocounsel with his partner John Quinn in the Bratz case we've been closely covering all year. Quinn Emanuel, you'll recall, represented Mattel, which claimed that the designer of MGA Entertainment's popular Bratz doll was still under contract with Mattel when he sold it to MGA. After a jury awarded Mattel \$100 million in damages, Riverside, Calif., federal district court judge Stephen Larson issued an injunction that will eventually put an end to the production of Bratz dolls. (Judge Larson recently ruled that MGA can continue to sell the dolls through 2009.) During the Bratz trial, Price handled some of the key witnesses, including Bratz designer Carter Bryant and MGA CEO Isaac Larian.

Price's other greatest hits include a \$128 million jury verdict in 2005 in a patent infringement suit against Boston Communication Group and a \$290 million jury verdict in 2003 against Bertelsmann in a breach of contract case. Despite his impressive wins, Price is still a relative unknown, which may have something to do with his success. Price told us Thursday that being seen as a salesman can hurt your credibility with jurors. By contrast, he said, when you're facing a bombastic lawyer, "you can find great opportunities to use that against him."

In the five-day Rambus trial, Price told us, most of the witnesses were from Rambus, since their conduct was at issue. That offered Price his favorite kind of challenge: "How do I get them to tell my story or to look dishonest telling their story? That's what I love to do." And apparently, he's pretty good at it, too.

THE AM LAW LITIGATION DAILY

LITIGATOR OF THE WEEK

William Price of Quinn Emanuel Urquhart & Sullivan and Kenneth Nissly of O'Melveny & Myers

By Jan Wolfe
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William Price of Quinn Emanuel Urquhart & Sullivan worked magic--literally--as the trial wrapped up in Rambus's epic price-fixing case against rival memory chip makers Micron Technology and Hynix Semiconductor. Price, who defended Micron at trial, is a former member of the International Brotherhood of Magicians. He paid for law school by performing "mentalism" shows for local business groups. During his closing argument, he told jurors that Rambus, like a magician, was trying to divert their attention from "what Micron actually did and why." And then, to drive the point home, he made a coin disappear from his hand.

A neat trick, maybe, but it was nothing compared to the disappearing act Price and Hynix counsel Kenneth Nissly of O'Melveny & Myers pulled off in the \$12 billion case on Wednesday. As we reported, a San Francisco jury rejected Rambus's claims that Micron and Hynix conspired to fix the price of Rambus's memory chip technology in order to keep it from becoming the industry standard. After seven years of litigation, three months of trial, and nearly nine agonizing weeks of deliberation, Micron and Hynix walked away without having to pay a cent.

For Rambus, its shell-shocked investors, and its lawyers at Munger Tolles & Olson, the verdict could hardly have been more devastating. In 2000, Rambus went through a break-up with partner Intel that pushed it to the sidelines of the industry. Four years later, the company launched its costly campaign against Micron and Hynix, only to see its early litigations gains wiped out by revelations that Rambus destroyed millions of pages of potential evidence.

Micron and Hynix, meanwhile, were haunted at trial by their own pasts. South Korea-based Hynix pleaded guilty to criminal price-fixing charges in 2005. Micron cooperated with the Department of Justice as part of a non-public amnesty agreement. Price said that both defendants had to struggle to convince the jury not to be swayed by that history. "The key strategy was not to deny what Rambus said was the smoking gun--that Micron and others had engaged in discussions that might have had the effect of raising the price of [dynamic random-access memory technology]," Price said. "It was to focus on what really led to its failure in the marketplace."

With that strategy in mind, Nissly called Intel engineers to the stand to testify that flaws in Rambus's technology doomed its relationship with Intel. "Intel could make Rambus, and they could unmake Rambus," he told jurors in his closing argument. "No Intel witness came and testified in a way that supported Rambus's case."

Price followed up by comparing Rambus to "ghost riders"--the New Yorkers who used to flock to bus accidents to fake injuries in the hopes of scoring settlements from the city. He urged jurors to be like the New York City bus drivers that closed and locked the doors after an accident to prevent lawsuits.

"That's what this case is about," Price told the jury. "Now, there wasn't a bus crash, but there was price fixing and there were victims and Rambus isn't one of them."