

Viasat Requests Judge to Remove Gibson Dunn from Patent Case Following Lawyer Hiring Dispute



Viasat, a satellite communications company, has taken legal action in a Texas patent case against Western Digital. The company has requested a federal judge to disqualify the lead attorney representing Western Digital, Kieran I. Gibson, Dunn & Crutcher. Viasat argues that the law firm is ethically conflicted due to its existing representation of Viasat in related litigation.

The conflict arose when Kieran Kieckhefer left her former law firm, Shearman & Sterling, to join Gibson, Dunn & Crutcher. This move was announced recently. Viasat, based in Carlsbad, California, filed a lawsuit against Western Digital for the data-storage devices manufactured by Western Digital infringe on patents related to error-correction technology.

In its disqualification motion, Viasat emphasized that it has been a client of Gibson Dunn since 2017. The firm also represents Viasat in another legal dispute concerning the same technology. According to Viasat, either of these represents the disqualification of Gibson Dunn. The company expressed concerns that the firm's representation of both parties presents a conflict and increases the risk of Viasat's confidential information being used against them.

At the time of reporting, Kieran Kieckhefer and representatives from the law firms and companies involved had not responded to requests for comments.

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Viasat further revealed that Gibson Dunn represents them in a separate lawsuit against Acacia Communications, which is also related to error-correction technology. In 2019, Viasat secured a \$49.3 million jury verdict in that case. The state court recently awarded Viasat nearly \$100 million more. Viasat stated in the court filing that the confidential information shared during the Acacia case is relevant to the ongoing dispute with Western Digital, as both cases involve patent license.

Viasat expressed concern that Gibson Dunn, representing Western Digital, would argue to diminish the value of the Acacia license, despite having provided extensive legal advice to Viasat on the matter.

Moreover, Viasat pointed out that the company has been a client of Gibson Dunn since 2017, with the firm representing them in trade and administrative law matters as well. Viasat's motion revealed that Gibson Dunn had rejected an "ethical wall" that would prevent lawyers with conflicts from being involved in the Acacia case.

The outcome of this legal dispute could have significant implications for both Viasat and Western Digital. Viasat seeks the disqualification of Gibson Dunn from representing Western Digital, asserting that the firm's existing relationship with Viasat creates an insurmountable conflict of interest.

As the case unfolds, the court will have to carefully consider the arguments presented by Viasat and the potential consequences of allowing or disallowing Gibson Dunn to continue representing Western Digital. The resolution of the ongoing litigation between Viasat and Western Digital may shape the future course of the patent dispute.