



HIGH-TECH PRACTICE

**Trial Lawyers Who Focus on
Complex Technology Disputes**

DESMARAIS LLP

New York, New York
212-351-3400

San Francisco, California
415-573-1900

Washington, DC
202-451-4900

desmaraisllp.com



Desmarais LLP offers unparalleled expertise and a deep bench of trial attorneys with the knowledge and experience necessary to win cases involving complex technology.

Our lawyers have represented numerous top-tier technology companies in their most important litigations, including cases related to networking and telecommunications, computer applications, and consumer electronics. We specialize in cases headed for trial, especially those involving patent, trade secret, contract, antitrust, or other technology-related claims.

We have obtained successful trial results for our clients—both patentees and accused infringers—in dozens of patent infringement cases and other intellectual property disputes. On appeal, we have preserved both offensive and defensive victories for our clients in wide-ranging subject matter areas, obtained the reversal of adverse results, and steered the development of the substantive law in our clients' interests. And our attorneys regularly practice before administrative bodies such as the International Trade Commission and the United States Patent and Trademark Office, which demonstrates the breadth of our capabilities and depth of our expertise.

In addition, our lawyers' extensive trial, administrative law, and appellate experience complement our experience on licensing, advising on intellectual property portfolios, and performing due diligence investigations.

Widely known as one of the preeminent firms for intellectual property matters, Desmarais LLP as a firm and its individual lawyers have been regularly recognized in the press and by their peers as among the top trial lawyers in the country, including, in publications such as U.S. News & World Report, Best Lawyers, Vault, Managing IP/IPSTARS, IAM, Patexia, the National Law Journal, Law360, and others. A full list of the Firm and individual awards and accolades can be found on the Desmarais LLP website, at www.desmaraisllp.com/news

Desmarais LLP's flexible and innovative fee structure allows us to work closely with our clients to develop arrangements tailored to their individual needs. We do not use the traditional, and frequently inefficient, billable-hour approach to fees. Instead, for clients who want predictability, we offer a flat-fee structure negotiated at the outset of a matter. In appropriate cases, we will also entertain contingent fee arrangements, or hybrid flat- and contingent-fee arrangements.

Desmarais LLP was founded in New York City. The Firm has since opened offices in San Francisco and in Washington D.C.

For more information about the Firm and our professionals, please visit the Firm website at www.desmaraisllp.com

Complex Technology Cases

Desmarais LLP's attorneys have substantial experience litigating high-stakes, multi-venue cases involving numerous patent and non-patent claims. Below is a sample of exemplary successes that we have obtained in technology cases.

Networking and Telecommunications

For the defendant, Desmarais LLP won a bench trial for Cisco against Egenera, Inc., resulting in judgment for Cisco in a case in which the plaintiff was seeking hundreds of millions of dollars. As a result of the trial, the Court invalidated the remaining patent-in-suit for failing to include one of the inventors of the patent. Egenera removed that inventor from the patent earlier in the case to try to establish an earlier conception date for the patent. The victory stands as a prime example of Desmarais LLP's ability to turn an opponent's strategy against it.

The Desmarais team followed up that victory with another significant trial victory. After a several day jury trial, The jury found that Cisco did not infringe the software company Egenera's virtual networking patent. The district court judge denied Egenera's request for a retrial and motion to overturn the jury's verdict.

Also for the defendant, a Desmarais LLP team secured a full defense victory in Delaware federal court, defeating a lawsuit implicating multi-billion -dollar patent infringement claims relating to a multinational company's central processing units. On behalf of its client, the team moved for summary judgment of noninfringement on all claims on the eve of trial ending a multi-year, multi-billion dollar suit.

Computer Applications

For the plaintiff, Desmarais LLP lawyers obtained a \$1.5 billion jury verdict for Alcatel-Lucent against Microsoft, one of the largest plaintiff's jury verdicts in a patent infringement action. This win was profiled in such articles as "Microsoft Hit With \$1.52 Billion Verdict in MP3 Suit" in The Wall Street Journal and "MP3 Patents In Upheaval After Verdict" in The New York Times.

Also for the plaintiff, Desmarais LLP secured one of the largest and most important jury trial wins in recent years, achieving an \$82.5 million verdict on behalf of IBM over Groupon. The trial was IBM's first ever as a patent plaintiff. The jury found that all four of IBM's e-commerce patents at issue were valid and willfully infringed. Managing Intellectual Property Magazine named this case an Impact Case of the Year.

Consumer Electronics

For the plaintiff, Desmarais LLP obtained a temporary restraining order that protected International Game Technology (IGT) from harassment and potential disruption of its events at the industry's largest gaming conference. The harassment stemmed from patent infringement allegations over IGT's slot machines. Two weeks before the conference, several making veiled threats against IGT, noting that a "huge distraction" could occur. Desmarais LLP filed suit and won a temporary restraining order just one day before the conference began.

Also for the plaintiff, Desmarais LLP scored a major victory for Apple after a judge threw out a \$2.8 billion patent infringement suit brought by Voip-Pal.com. Desmarais LLP successfully argued that Voip-Pal.com's patents, which covered computerized call routing, did little more than recast a method that had been in place for decades—human switchboard operators—and were therefore invalid under 35 U.S.C. § 101. In a separate ruling, Desmarais LLP secured dismissal with prejudice of patent infringement claims of four additional patents based upon a finding that the claims were invalid under 35 U.S.C. § 101.

Appeals

For the appellant, Desmarais LLP secured two inter partes review victories for IBM before the Federal Circuit. The Federal Circuit found that one of the PTAB's invalidations was not supported by the evidence and issued a complete reversal. The Federal Circuit reversed the second IPR based on claim construction and remanded the IPR to the PTAB. The parties subsequently agreed to terminate the IPR trial. The IBM patent at issue covers improvements in single-sign-on technology, which allows users to sign on once and gain access to several different services.

For the appellee, after winning summary judgment of no infringement for Cisco in its patent litigation against Straight Path in the trial court, Desmarais LLP secured affirmance at the Federal Circuit. When Desmarais LLP was initially hired to litigate the case in district court, the firm had only two weeks before the end of fact discovery and two weeks before the deadline for opening expert reports. The firm moved quickly to develop a clear rebuttal to Straight Path's patent infringement claims and filed a motion for summary judgment. Desmarais LLP argued the motion and a few weeks later the ruling was issued in Cisco's favor.