

Desmarais Expands to Washington, Beefs Up ITC Practice

Three partners from Troutman Pepper, led by Goutam Patnaik, will add to the IP boutique's presence at the International Trade Commission. Partner Justin Wilcox is relocating from New York to manage the office and step up D.C.-area recruiting.

BY SCOTT GRAHAM

Desmarais LLP is headed to Washington, D.C.

The New York-based intellectual property boutique is opening its virtual doors in the nation's capital today, adding three litigators from Troutman Pepper Hamilton Sanders who will expand the firm's presence at the International Trade Commission.

Desmarais partner Justin Wilcox also has relocated from New York to the D.C. area and will manage the office.

Founding partner John Desmarais said the 65-lawyer firm won't begin looking for physical office space until it's clear COVID-19 is in the rearview mirror. "I don't see sticking people in offices and jamming them back together" in the current environment, he said. Besides, virtual practice "has been pretty effective. The work's getting done. The clients are happy."

The firm has been taking a steady, measured approach to growth. In the last few years it's added to its **life sciences** and **patent and trademark office practices** while opening



(L to R) New Desmarais partners Goutam "Gooch" Patnaik, Tuhin Ganguly and David Shaw.

(Courtesy photos)

a San Francisco office. Desmarais said it's now time for the next step: beefing up the firm's practice at the ITC, an increasingly popular venue for IP litigation, and expanding the firm's footprint in Washington.

Partner Goutam "Gooch" Patnaik joined the firm earlier this month, with partners Tuhin Ganguly and David Shaw joining Monday. The three have been practicing together at Troutman and its predecessor Pepper Hamilton for eight years.

Patnaik is the leader of the group, coming off a stint last year as president of the International

Trade Commission Trial Lawyers Association. Wilcox said he was opposite him in a case several years back. "He's one of those lawyers who's just a true professional," Wilcox said. "He's easy to work with, even when he's vigorously representing his client's interests."

Patnaik's group successfully defended 3Shape A/S last year in an ITC action over dental software, and is helping represent the company in related Delaware and Texas litigation.

Wilcox is currently representing Amazon.com in IP litigation brought by Maglula Ltd. in the Eastern District of Virginia, and Cisco Systems Inc. in its trade secret litigation in the Northern District of California against Polycom.

A former law clerk for then-Judge John Roberts at the D.C. Circuit, Wilcox worked as an associate with John Desmarais at Kirkland & Ellis. After Desmarais founded his own firm, Wilcox relocated to New York to join him. Wilcox and his family moved back to Northern Virginia during the pandemic, so he and Desmarais figured now would be a good time to expand into D.C. "It's one of the silver linings in this otherwise doomy era," Desmarais said.

The firm is also ramping up its recruitment of Federal Circuit and D.C. Circuit law clerks. "That's another reason we want to be in D.C.—to burnish our appellate practice and expand it," Wilcox said.

The Desmarais firm is known for flat-fee billing. John Desmarais said he thinks that will be especially appealing for ITC work. Because of the extremely fast pace of ITC litigation and heavy staffing, "it's easy for costs to spiral. I think the clients will like the predictability of a flat-fee schedule."

He joked that this third office will probably be the firm's last, "because I'm admitted to the bar in New York, D.C. and California. I don't want to take any more bar exams."

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