

Desmarais Hires First San Francisco Lateral Partner Since Opening Office

Gabrielle “Gaby” Higgins joined the office on Thursday as an equity partner after 30 years at IP boutique Fish & Neave, and then Ropes & Gray, after the firms merged.

By Alaina Lancaster

Desmarais is continuing to build its Patent Trial and Appeal Board practice with its first lateral partner in San Francisco since opening the only West Coast outpost of the New York-based intellectual property firm in 2019.

Gabrielle “Gaby” Higgins joined the office Thursday as an equity partner after 30 years at IP boutique Fish & Neave, and then Ropes & Gray, after the firms merged.

Higgins said she was drawn to her new firm’s reputation as “a go-to source” for patent litigation in the industry and is looking forward to joining the Desmarais team at trial, “which is what they’re known for—exceptional trial work.”

But Higgins was familiar with the firm by more than reputation. Higgins and founding partner John Desmarais first met when she was a first-year associate at Fish & Neave in New York, and Desmarais was in his second year at the firm. But after Desmarais left the firm in 1992 to join the U.S. Attorney’s Office in the Southern District of New York, he said they stayed in touch, and he watched her career, but he never thought they’d work together again.

Desmarais said he’s been actively recruiting for a lateral partner since the office opened. Prior to COVID-19, Desmarais said, he would spend



Courtesy Photo.

Gabrielle “Gaby” Higgins of Desmarais.

about one week a month in San Francisco meeting with potential hires. At a court hearing in San Francisco last February, he ran into a bunch of Fish & Neave alums now in the Palo Alto office of Ropes & Gray.

“We reminisced a little bit and caught up on old times,” he said. “And then on the flight home, I reached out to Gaby. That serendipity brought her front of mind.”

Desmarais said the move is a kind of “homecoming” for Higgins, who’s joining fellow Fish & Neave alums: attorneys Leslie Spencer, Bindu Donovan and Karim Oussayef in New York.

With Higgins, the San Francisco office now has three partners, four associates—with another onboarding soon—a legal assistant and a receptionist.

It’s not the first time Higgins has helped grow an office in the San Francisco Bay Area. In 1992, Higgins and a small group of Fish & Neave attorneys opened the Palo Alto office of that firm.

“Certainly, we’re living in a different world today than we were back in the ’90s. That goes back to the pre-dot-com bust. We’ve lived through the semiconductor wars and the smartphone wars,” she said. “I think it’s that same kind of

excitement, though, in working with an amazing group of trial lawyers to grow a practice out here in San Francisco that is already flourishing.”

PTAB Practice Picks Up

The addition of Higgins to the San Francisco team is part of the firm’s strategic initiative to grow its PTAB practice, in which companies accused of patent infringement challenge patent validity before administrative judges.

In August, the firm recruited Yung-Hoon “Sam” Ha from Wilmer Cutler Pickering Hale and Dorr **to lead the PTAB practice**—one of the firm’s only subdivisions.

Desmarais said Higgins is such a good fit, because she is skilled in three of the firm’s major focus areas: district court trials, inter partes review before the PTAB, and actions before the International Trade Commission. Higgins’ move also comes on the heels of the firm launching a Washington, D.C., office with three litigators from Troutman Pepper Hamilton Sanders to boost its ITC presence.

“She’s got deep experience in all three, which is frankly unusual,” he said, noting that it’s especially helpful to have a triple threat in the small California office.

Although Higgins has scored wins before the PTAB for tech giants such as Samsung, Apple and Google, her background is actually in life sciences. “We try not to have our people specialize, so I think she’ll probably do a little bit of both,” Desmarais said.

Another factor that made Higgins move “fortuitous,” according to Desmarais, is that her clients Samsung, Apple and Google are also Desmarais’ top clients.

“Usually when you’re dealing with a lateral hire, you’re worried about



John Desmarais, founding partner of Desmarais.

conflicts and if the lateral’s past experience is going to fit in with the firm,” he said. “With Gaby, it’s a complete overlap with our clients.”

Higgins said she’s excited to take advantage of those synergies. “I’m really looking forward to both growing existing work, as well as helping the Desmarais firm expand both the San Francisco office and on the West Coast,” she said.

Looking Forward

Although Higgins has been enjoying the minimal travel as a result of the COVID-19 pandemic, she’s excited about preparing to return to court. Some jurisdictions—such as the Western District of Texas, where a jury strapped Intel Corp. with a **\$2.175 billion patent verdict**—are already holding in-person proceedings. Higgins expects several more trials in Texas as early as June.

At a virtual event hosted by the Texas Bar Association, Higgins said she heard how U.S. District Chief Judge Barbara Lynn of the Northern District of Texas is preparing for more in-person trials. The judge noted how she was putting jurors in the

gallery instead of the jury box, so the attorneys would present with their backs to the judge, and she would be watching the jury and attorneys on camera. She’s also conducting sidebars via email and wearing masks with a transparent mouth covering.

“So I do think there are a lot of considerations that we all have right now as trial lawyers, but I cannot wait to get back in the courtroom... I like the feeling of having that presence in the courtroom. There’s really no substitute for it,” she said.

Besides getting back in court, Higgins said that another focus of this stage of her career is continuing to mentor the next generation of lawyers.

“I have three young women—three daughters—in my own household,” she said. “I’m very big on mentoring young women.”

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