

## Desmarais Hires Wilmer Partner, Tasks Him With Building Patent Office Practice

BY SCOTT GRAHAM

DESMARAIS is bringing aboard a Wilmer Cutler Pickering Hale and Dorr partner and handing him the keys to its Patent Trial and Appeal Board practice.

John Demarais said Yung-Hoon “Sam” Ha is a perfect fit, in terms of client overlap (especially Intel) and credentials (MIT Ph.D.; 15 years at Wilmer, which runs one of the top PTAB practices in the country).

“You don’t often get a perfect fit when you’re looking at the lateral market,” Desmarais said.

Ha said he was happy at Wilmer and wasn’t looking to make a change. “A couple of months ago, I probably would have said I’d be a lifer at WilmerHale,” he said.

But two Wilmer alums at Desmarais—Cosmin Maier and Theodoros Konstantakopoulos—encouraged Ha to make the jump, and then Desmarais closed the deal. In something of a departure for the firm, Ha will be put in charge of hiring and running the practice, in which companies accused of patent infringement challenge the validity of patents before a panel of expert administrative judges.

“This will be a new thing,” Desmarais said. “Sam’s also going to be on litigation, so his group is not going to be compartmentalized.” But until now the 60-lawyer patent litigation boutique hasn’t had many subdivisions. Ha said



Yung-Hoon  
“Sam” Ha

he expects to coordinate closely with the firm’s district court litigators and its appellate attorneys.

Unified Patents rates Wilmer the No. 4 firm in the country for petitioners before the Patent Trial and Appeal Board. Desmarais does not rank in the top 20.

John Desmarais acknowledged the firm got off to a slow start once the PTAB began hearing America Invents Act proceedings known as IPRs in 2012. “In the very beginning we didn’t do them because we considered ourselves courtroom lawyers,” he said. Instead, the firm partnered with more specialized boutiques when a client needed to file an IPR. “Then we watched some of the arguments” at the PTAB, and we realized “this is just like courtroom work, and we’re great at that.”

Over time the firm has built a modest PTAB practice and now handles most of its clients’ IPRs in-house. In the last year it’s brought petitions for Samsung, Google and Intel. Though most IPRs are filed in response to a patent infringement suit, there is no standing requirement, and more recently clients

have been approaching the firm to file IPR petitions apart from preexisting litigation.

“The work started coming in faster than we felt comfortable if we want to do top quality work,” Desmarais said. So Ha is going to “take the lead on our IPR practice and build it up, hire some people.”

Ha started at Wilmer as a technology specialist while pursuing his law degree at Fordham University. He began practicing at the firm in 2009 and made partner three years ago. Before the PTAB he’s represented Intel in numerous complex proceedings, including against patent owners Zond Inc., VLSI Technology LLC and DSS Technology Management Inc.

“Wilmer does great work and has trained Sam really well,” Desmarais said.

Ha said Desmarais’ focus on world-class service and its collaborative culture appealed to him. Desmarais also does virtually all of its work under flat-fee billing arrangements. More focus on productivity and less on meeting billable targets also appealed to him, Ha said.

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