

MVP: Desmarais' John Desmarais

Law360 (November 26, 2018, 5:42 PM EST) -- Desmarais LLP's founding partner, John Desmarais, successfully shepherded IBM through its first jury trial as a plaintiff in a patent infringement case this summer, securing an \$82.5 million verdict for the technology giant over Groupon and earning a spot as one of Law360's 2018 Intellectual Property MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

Desmarais points to the IBM Corp. case as his most significant achievement in recent months, as IBM decided to take a chance that he could persuade a jury to recognize the validity of the decades-old e-commerce patents, after Groupon Inc. resisted signing a licensing agreement.

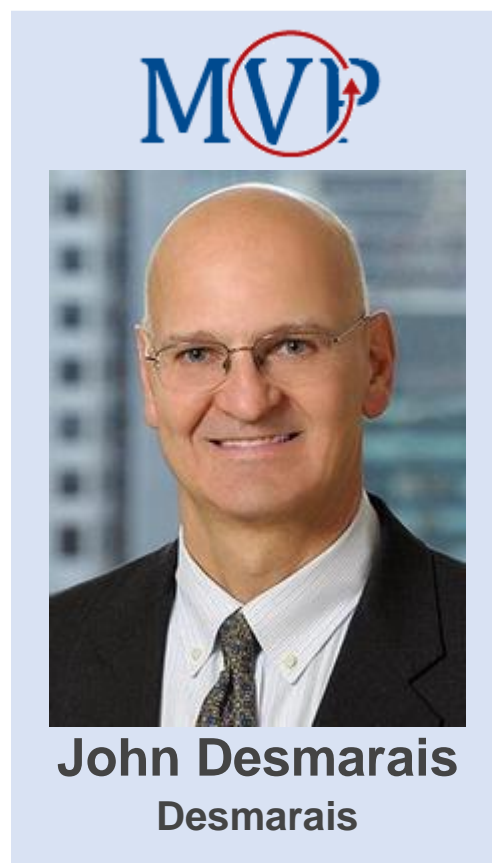
"It was really exciting for me and for them to put the matter in the jury's hands," Desmarais said. "That was a great achievement, and we got a wonderful result."

HIS BIGGEST CHALLENGE THIS YEAR:

In August 2017, Desmarais accepted the challenge of jumping onto a patent infringement case that had already commenced, with days before the close of discovery and a trial looming. Nearly four months later, he secured a summary judgment order for client Cisco Systems Inc.

The attorney and his team worked quickly to develop a substantive response to allegations by Straight Path IP Group that the company had infringed patents purporting to cover technology that enables internet voice and video calling. Desmarais asserted that Cisco's technology didn't involve an initial online "query" process and that it instead resembled technology similar to a landline telephone.

"I think that was a remarkable achievement for the team that we put together," Desmarais said of the summary judgment order. "It was probably one of our most challenging assignments this year."



WHAT MOTIVATES HIM:

Desmarais values the personal connections that he develops through his work, looking at his cases not as transactions that he can notch on his resume, but as matters that are deeply personal to the individuals associated with the litigation.

After representing clients such as Cisco and IBM for more than a decade, Desmarais says he considers many of the in-house attorneys associated with the companies to be friends, so when they call him with a particularly challenging situation or the company is facing a certain kind of risk, the personal connection is close to his mind.

“It becomes a motivation to help my friends in a way that transcends the job,” Desmarais said. “I don’t want to let them down; I feel I’ve got to get this thing and fix it for them.”

WHY HE'S AN INTELLECTUAL PROPERTY ATTORNEY:

Though Desmarais has an undergraduate degree in chemical engineering, much of the technology he works with in his cases is based outside of that area. So he views each case as an interesting opportunity to learn firsthand from engineers and others how important, everyday products work.

“They’re neat little things that you otherwise would not have the opportunity to learn,” Desmarais said. “The challenge of the job then is how do you communicate those ideas to a jury? It becomes a real intellectual challenge.”

— *As told to Kevin Penton*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2018 MVP winners after reviewing nearly 1,000 submissions.

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