

Rising Star: Desmarais' Karim Oussayef

By **Dave Simpson**

Law360 (October 15, 2019, 4:27 PM EDT) -- Karim Oussayef of Desmarais LLP loves the legal and technical aspects of his practice, and his dedication to both came in handy when he helped IBM Corp. score an \$82.5 million jury trial verdict in a case accusing Groupon of infringing e-commerce patents, landing him a spot as one of four technology law practitioners under age 40 honored by Law360 as Rising Stars.

WHY HE PRACTICES TECHNOLOGY LAW:

Oussayef studied computer science as an undergraduate, but heading into law school, he didn't realize how important technology is for law practitioners.

"I started to realize that there was a great niche for people who wanted to apply technology to the law," he said. "There's a high demand for folks who can understand legal principals and also break down technological principles in a way that makes it simple for someone that may not be familiar with the technology but without losing the complexity necessary to address whatever issue you're arguing."

In order to keep himself knowledgeable on the tech side of things, Oussayef loves to pick the brains of the experts who work at his clients' companies and read old textbooks that he has ordered online.

"I think there's a lot of different ways to do it, but the biggest way is to be open to learning about new technology and I think that's why a lot of people in our field have hard science backgrounds," he said. "It's not so much that you need to remember what you learned in the past; it's more that you're not afraid to get your hands dirty by digging into complex issues."

RISING
★ ★ ★ ★ ★
STAR



Karim Oussayef
Desmarais

Age: 38

Home base: New York City

Position: Partner

Law school: Boston University
School of Law

First job after law school: Associate
at Ropes & Gray LLP

ON HIS BIGGEST CASE THUS FAR:

In July 2018, jurors returned a verdict following about six hours of deliberation that Groupon willfully infringed e-commerce patents dating to the early days of personal computing, and awarded IBM \$82.5 million.

A post-trial deal struck between the companies later that year lowered the win total to \$57 million, but the verdict was a big milestone for Oussayef, who'd been working the case for IBM for years.

It also marked the most significant role that Oussayef had taken at a trial and the first time he ever cross-examined a witness at trial. He was mildly nervous as that cross examination loomed, but once in court, the years of knowledge he'd developed about the case put him at ease.

"That fact I was, for example, relying on depositions that I had taken on myself made cross examination feel very familiar, so I could see the witness across from me that I had deposed over a number of days and it was just kind of an extension of that," he said. "Once I got started, it felt kind of natural, so that was a pleasant surprise."

ON HIS PROUDEST MOMENT:

In April, the Federal Circuit ruled that the Patent Trial and Appeal Board was wrong to invalidate part of an IBM patent on computer authentication technology that had been challenged as part of an infringement dispute between IBM and Priceline, following hearings in which Oussayef had argued on behalf of the computing giant.

The matter hinged on both a question of claim construction and a question of whether there was substantial evidence to support the finding, he said.

"It was two disparate issues and being able to allocate time to both of those was challenging," he said. "So being up at the podium, you get to kind of ... decide how the argument begins, but once you get questions you have a lot less control over where the argument goes. And so making sure that you can seamlessly pivot to the best support for your positions and allocate time effectively was something I practiced a lot."

ON WHAT MOTIVATES HIM:

Oussayef loves getting to know his clients, both as companies and as individuals working at those companies, and he finds developing relationships with them to be extremely rewarding.

"I think that over time you develop a relationship where there's not so much of a rigid division between outside counsel and in-house counsel or between you as an attorney and the clients who are not attorneys," he said. "You can really learn to collaborate effectively together to achieve your common goals."

He also enjoys tracking the lives and careers of the people he's met.

"I'm still quite a young attorney but I'm starting to see how the folks I started working with early in my career have gone on to do other great things," he said. "It's rewarding to see where people end up, what they end up doing and their interesting ideas."

— *As told to Dave Simpson*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2019 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 years old as of April 30, 2019, in order to be considered for this year's award. This interview has been edited and condensed.

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