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## For IP Litigator, Move to DLA is Ninth Stop in Peripatetic Career

Victor Li, The Am Law Daily

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When intellectual property litigator [Paul Gupta](#) jumped to DLA Piper last month after a seven-year stint at Orrick, Herrington & Sutcliffe, he says he did so because he was eager to take advantage of the firm's vast global platform. "As my practice kept growing, I felt a need to help clients in different cities and countries," he says. "[Recently] I've been spending time staffing matters in Atlanta and Brazil. I wouldn't have had those opportunities before moving to DLA Piper."

The move to DLA offered Gupta something else: the opportunity to join his ninth law firm in a nearly 40-year career. And while that may seem like a lot of moves for one lawyer to make—[even in an era marked by aggressive lateral partner hiring](#)—the 63-year-old Gupta says the peripatetic path he has followed is natural given the way his legal practice has changed over time.

Gupta started out doing securities litigation in New York at Simpson Thacher & Bartlett, which he joined in 1974 after graduating from Harvard Law School. Six years later, he joined Cravath, Swaine & Moore as a securities litigation associate. He stayed at Cravath until 1983, when he and his wife decided to relocate to Boston to raise their two young children.

At the same time, Gupta's professional interest had shifted to intellectual property work, in part as a result of his personal circumstances. "My wife was doing computer work when we married," he says. "So I started doing IP work."

That led him to join Sherin & Lodgen, a small Boston-based firm, as a partner focused on litigating software copyright disputes. Among the significant matters he handled at Sherin & Lodgen: representing Paperback Software International in [a closely watched case against Lotus Development Corp.](#) that went to trial in 1990. The case—which involved allegations that Paperback had infringed the copyright on Lotus's spreadsheet program—ultimately ended in a trial loss for Gupta and his client. According to press reports, however, the parties later agreed to settle the matter with Paperback paying Lotus \$500,000.

With rapid changes in technology fueling a surge in demand for IP lawyers, Gupta's decision to switch specialties allowed him to start trading up when moving between firms to accommodate his growing practice. He joined Nutter, McClennen & Fish in 1991, followed by a stint at Sullivan & Worcester beginning in 1995. During his tenure at Sullivan, Gupta tried his hand at management by serving as one of the firm's four cochairs. Then in 2002—with his daughter's graduation from high school igniting his desire to return to New York—Gupta joined LeBoeuf Lamb Greene & MacRae.

After two years with LeBoeuf Lamb—and three years ahead of that firm's ill-fated merger with Dewey Ballantine, Gupta was recruited by the firm then known as Mayer, Brown, Rowe & Maw to serve as its global IP practice group leader. In 2006 he was on the move again, this time to Orrick, where he was simply a partner without management duties.

"It's always a challenge to run a large practice and do management at the same time," he says. "I was happy not to do management at Orrick, but whether I get back into it remains to be seen."

Gupta says that making the frequent transitions has been easier than it might have otherwise been thanks to a roster of loyal clients that have stayed with him over the years. At the top of that list, he cites NCR Corporation, the company once known as National Cash Register that is now best known for producing software for ATM machines and self-service kiosks. In 2006 Gupta represented NCR when it sued online shoe store Zappos.com for allegedly infringing several NCR patents related to online data storage and computerized asset management (the parties settled the case in January 2007 under undisclosed terms). Gupta also represented NCR in a patent infringement suit against Orbitz in 2004. (That case also settled under undisclosed terms.)

Gupta's other longtime clients include Flextronics International, Avaya Inc., and KLA-Tencor Corporation.

Catherine Michaelson, who owns legal recruiting company Michaelson Associates, says that the number of moves Gupta has made does not strike her as particularly high, especially in light of his experience as a patent litigator. "When he started, patent law was done by patent firms, not big law firms," she says. "Patent law has become incredibly hot over the last 15 years, and it's an area that is growing." And frequent lateral movement, she adds, has become something of a hallmark of the legal trade, at least among large firms. "I've been recruiting for 30 years," she says. "During my first 10 years, if you had more than two moves on your resume, people would look askance at you. That's not the case anymore."

Gupta says he expects his most recent move to be his last: "I intend to stay at DLA Piper for the rest of my legal career."

Perhaps in his case, the ninth time's the charm.