

## 'A More Centralized Way': Am Law 100 Firm Formalizes Appellate Group

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### What You Need to Know

- As Fish & Richardson looks to ramp up both internal and external marketing of its appellate services, it has formalized an appellate group.
- The firm has handled over 390 Federal Circuit appeals in the past five years.
- Appellate work is one of the streams of alternative fee revenue the firm brings in, as it works with some clients on a fixed-fee basis.

Intellectual property law firm Fish & Richardson has formalized an appellate group, as the firm seeks to ramp up both internal and external marketing of its appellate services.

The newly formed appellate group is co-led by principals Lauren Degnan in Washington, D.C., and Nitika Gupta Fiorella in Delaware. Overall, the group, seeing more opportunities in the practice, will spearhead IP appellate matters from the firm's current clients as well as handle appeal cases from new clients.

The firm's appellate bench currently includes around 50 attorneys with experience before the Federal Circuit.



Courtesy photos

**Nitika Gupta Fiorella, left, and Lauren Degnan, right, of Fish & Richardson.**

While the formalization of the appellate group is new, the firm has been doing appellate work for decades for clients, particularly in technology sectors, on a variety of IP matters. However, the formation of the group gives the lawyers dedicated resources to better market the practice both internally to existing clients and externally in a formal way, according to the firm.

"One of the benefits we see in having a formalized group is that Lauren and I can be the point of contact and also the point of representation to communicate the deep bench we have

for appellate practitioners and experience, our appellate wins, all of those things in a more centralized way to our clients and the outside world,” said Fiorella in an interview.

The firm has deep experience in IP appellate matters.

Before the Patent Trial and Appeal Board, Fish & Richardson represented parties in the highest number of petitions filed from 2021 to 2023, according to Lex Machina’s 2024 patent litigation report. And in the last five years, Fish & Richardson has handled over 390 Federal Circuit appeals, according to the firm.

“Fish’s legacy at the Federal Circuit is the result of intensive practice, strategic decision-making, and outstanding legal skill. We invest in this practice area to equip our clients with unparalleled legal representation through the full case lifecycle,” said firm president and CEO John Adkisson in a statement.

Appellate work is one of the drivers of alternative fee revenue that the firm brings in. The firm works with clients on a variety of billing structures for appellate work, including fixed-fee and traditional hourly billing rates.

“Trial records are more likely to be hourly, whereas PTAB appeals tend to be more fixed fee,” said Fiorella. “We’ve handled so many we have the experience and the idea of how much it’ll cost and the time it will take on the PTAB appeals, whereas trial records can be considerably different with the sheer number

of issues that can be raised and the volume of information.”

In 2023, the firm earned about a third of total fee revenue from alternative fees (including contingency fees). Overall, the firm’s gross revenue last year was down 2.4% in 2023 to \$499.5 million.

Even though firm revenue and profitability took a dip last year, Fish’s litigation practice was among the busiest in 2023, Adkisson, the firm president, told *The American Lawyer* earlier this year.

In 2023, the firm secured an appellate victory for Bumble against plaintiffs Ikorongo Technology and Ikorongo Texas in a patent infringement case.

Looking at Fish’s other recent appellate matters, in 2021, the firm secured a full Federal Circuit reversal and summary judgment of non-infringement on behalf of its client, Hong Kong uCloudlink Network Technology Limited and uCloudlink Ltd. in a patent infringement dispute with SIMO Holdings Inc. over a mobile device roaming patent.

The firm was also a part of the multi-firm Gilead legal team that secured a reversal of the \$1.2 billion judgment against Kite Pharma for cancer immunotherapy before the U.S. Court of Appeals for the Federal Circuit. Other clients the firm has represented in appellate matters in recent years include Cloudbreak Therapeutics and Great Concepts.