

## Trial Pros: Proskauer's Steve Bauer

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Steve Bauer is a trial lawyer practicing exclusively in complex patent, trade secret, trademark, copyright and technology matters. He is co-chairman of Proskauer Rose LLP's nationwide litigation department, and within it, its patent litigation group. Steve has tried cases in every major U.S. forum including California, Delaware, Florida, Illinois, Massachusetts, Texas and the ITC. He also regularly argues appeals to the Federal Circuit (where he had been a law clerk) and IPR hearings before the Patent Office. Steve's cases typically involve complex technologies such as satellite, cable, cellular RF and wireless communications networks; voice recognition, speech generation, and data encryption; surgical, medical, and genetic diagnostic and therapeutic technologies; lasers and high-energy plasma devices; and nanomaterials, lithium-ion battery materials, polymers and high-temperature superconductors. Steve also serves, when asked, as an arbitrator (often in international matters).



Steven M. Bauer

### **Q: What's the most interesting trial you've worked on and why?**

A: My most interesting trial was a jury trial against Apple in federal court in Delaware. We were asserting three patents that the jury found infringed by the iPhone, but it was hard (and fun) making sure that the jury understood that features that we take for granted today, were not obvious when cell phone technology was first introduced 15 years ago.

### **Q: What's the most unexpected or amusing thing you've experienced while working on a trial?**

A: In that same Apple trial, I had had "technical" problems with the PowerPoint during the opening. When I got up for closing, I reminded them of the problems in opening, and promised them we had tested everything and it would work now. And then, it didn't. And when we finally got the PowerPoint fixed, the poster board I had been using in the meantime fell on the court reporter. Believe me, all this helped me bond with the jury.

### **Q: What does your trial prep routine consist of?**

A: I take the entire trial team away from the office. We go to a hotel at least a week before trial, where we can bond as a team and focus on the trial 24/7. There's no way you can have that focus if you try to work out of your office.

**Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?**

A: Relax. It's going to be fun. And, if you're not ready on the eve of trial, there's nothing you can do that last night which will get you better prepared.

**Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.**

A: I began my career working for Dennis Allegretti of Allegretti & Witcoff. Dennis was considered one of the top three patent trial attorneys of his generation. I learned much from Dennis, things like: there's no need to be a jerk to the opposing side; you should do what you can.

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