

Rising Star: Gibson Dunn's Blaine Evanson

Law360 (August 2, 2018, 2:26 PM EDT) -- Gibson Dunn & Crutcher LLP's Blaine H. Evanson secured an intellectual property win for T-Mobile at the Federal Circuit that invalidated the patents asserted against it by a licensing company and affirmed that the wireless company had not infringed, earning him a spot among the five appellate law practitioners under age 40 honored by Law360 as Rising Stars.

HIS BIGGEST CASE AS A PARTNER:

The Federal Circuit was still defining the contours of Alice — a landmark 2014 U.S. Supreme Court case which held that abstract ideas implemented through a computer are patent-ineligible under Section 101 of the Patent Act — when Evanson represented T-Mobile USA Inc. in beating back a \$100 million suit asserted by Prism Technologies LLC.

Evanson not only secured T-Mobile's District of Nebraska win that it had not infringed the authentication server patents, but also swayed the Federal Circuit to determine that there is nothing inventive about authenticating something, as it is an age-old concept that should not qualify for a patent.

"This was a complicated balance of trying to fit between those goalposts," Evanson said.

WHY HE BECAME AN APPELLATE LAWYER:

Evanson enjoyed the process of writing briefs and preparing for and delivering oral arguments while studying at Columbia Law School and soon realized that it was the area of the law where he wished to focus his career.

Depending on how the client has fared in a lower court, Evanson said he enjoys the challenge of finding a new and inventive way to secure a win, bringing a fresh mind to the quest of grappling with challenging legal issues.

"I love learning about new and obscure areas of the law," Evanson said.

RISING
 ★★★★★
STAR



Blaine Evanson
Gibson Dunn

Age: 39

Home base: Irvine, California

Position: Partner

Law school: Columbia Law School

First job after law school:

Law clerk for U.S. Circuit Judge A. Raymond Randolph of the D.C. Circuit.

WHAT MOTIVATES HIM:

As an appellate lawyer, there is nothing more gratifying than forwarding an email to a client that reads “Reversed,” Evanson said.

“I’m motivated about winning for our clients,” he said. “In every case, I want to bring home the trophy.”

HIS PROUDEST MOMENT:

Evanson wiped out a \$36 million judgment against Travelers Surety & Casualty Co. at the Third Circuit in June 2017, focusing on an argument that the lower court had erred in how it had interpreted an exclusion included in insurance documents the company had taken out with General Refractories Co., a company that sells products that contain asbestos.

The Third Circuit determined that the exclusion should apply not only to products that held raw asbestos, but also to asbestos-containing products.

“We looked at the record and decided to argue on appeal that the question that had been tried in the trial was actually beside the point because all the injuries at issue had come from asbestos, however that term is defined,” Evanson said.

HIS ADVICE FOR YOUNG ATTORNEYS:

Evanson said young attorneys who are seeking to focus in appellate law should work on their writing, particularly by finding mentors within their firms who write well and are willing to share their knowledge.

Appellate attorneys from both sides frame the arguments for a case in the briefs, so that by the time they step into a courtroom for oral arguments, judges have often already largely made up their minds, he said.

“You convince the judges far more through your written advocacy than through your oral advocacy,” Evanson said. “Writing is of paramount importance. You can’t show up in an appellate argument and save yourself from a poorly written brief.”

— *As told to Kevin Penton*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.

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