

eFISHent™ Litigation



Fish & Richardson is at the forefront of creating innovative technical tools, processes, and teams to refine internal operations to provide eFISHency™ in its litigation services.

Our unique model provides efficiency, predictability of spend, and cost-effective delivery of high-quality legal services. By design, our eFISHent Litigation approach enables us to achieve our clients' objectives at a price that is an outstanding value – all provided at Fish quality.

For our clients, we tap into our extraordinary storehouse of knowledge. We're fluent in virtually every technology imaginable. Our people work seamlessly across offices to bring the best teams together to handle client matters. Furthermore, we leverage the local and court-specific knowledge and the talent resident or experienced in key jurisdictions across the United States and abroad.



We created our own proprietary tools, and we redesigned how we work, staff our matters, and train our professionals. This has included extensive utilization of our own unique approach to **Legal Project Management (LPM)** as well as the creation of tools, templates, guides, and approaches to allow us to provide the best-quality representation while staying on budget. We call this **eFISHent Litigation**.

eFISHency™ Legal Services

Fish was an early adopter of LPM. Every litigator has been trained on LPM methods, and every paralegal is certified in the practice. Individual attorneys have been coached on LPM by a consultant and through internal training. Rather than adding another timekeeper to our cases, we trained our case-managing attorneys on project management, which has allowed the attorneys to address each client need they face while at the same time keeping the team on budget. This adherence to legal project management means that our lawyers budget each case, plan the work to ensure that all needs will be met while staying within the budget, and guide their teams to operate at maximum efficiency. **As a result, we work smarter on your behalf.**

Fish's growing eFISHency legal services suite includes these cutting-edge yet practical tools and practices:

- **Fish.BudgetMatters:** Our proprietary tool allows us to quickly create a litigation budget by phase, allocate hours to team members, and monitor actuals compared to budget to ensure we run the case to budget.
- **Pricing Group:** We have a specialized team dedicated to creating and monitoring case budgets, alternative fee arrangements, and value-based approaches to meet client needs.
- **Best Practices:** We created customized resources for our litigation teams, including templates, checklists, and guides to complete a variety of patent litigation tasks efficiently and with Fish quality.

Inclusivity. Opportunity. Innovation.

As a firm that serves the world's greatest visionaries, Fish knows innovation often results from seeing the world in a different way. We recognize that diverse backgrounds provide unique perspectives that result in new and better solutions, and having a team that reflects the diversity of the public arena enhances the quality of legal services we provide to our clients.

Diversity is an integral part of who we are as a firm. We strive to promote a creative, respectful, and inclusive culture that values the diversity of people, experiences, perspectives, capabilities and talents, and allows ingenuity to thrive.

- **Brief Bank:** Our internal, custom-developed database of thousands of pleadings and extensive research as well as trial transcripts, outlines, and demonstratives with customized searching fields available such as claim construction term, jurisdiction, judge, etc.
- **Animations and Graphics:** We have an extremely talented in-house animation and graphics group for trial support, briefing, technology tutorials, *Markman* hearings, and court presentations. This group is experienced with technology cases and efficiently helps clarify technical concepts with the use of graphics.
- **Client Repositories:** We create custom intranet sites for our teams that work with large repeat clients to provide coordination, efficiency, and value across multiple case teams.
- **Litigation, Post-Grant, and *Inter Partes* Review (IPR) Monitoring:** We monitor new lawsuits and developments that may impact our clients' businesses and provide strategic counsel and insights as a trusted business advisor.
- **eDiscovery:** We deploy the full Relativity® software suite and other industry-leading technology tools, along with efficient workflows, to streamline the eDiscovery process. Our eDiscovery technology experts competently manage our clients' electronically stored information, from data collection through document production.

The investments we make in these areas ensure more efficient use of resources and ultimately result in lower costs for clients.

Alternative Fee Arrangements

The Benefits of AFAs

Alternative fee arrangements (AFAs) provide two primary benefits to our clients: the alignment of cost and value, and the predictability of spend. Fish currently has a wide variety of AFAs in place for litigation and for patent and trademark prosecution.

Common AFA Models for Litigation

- **Fixed Fee**—this can vary from a monthly fixed fee throughout the case to a fixed fee by phase of litigation or defined scope of work.
- **Blended Rate**—a single hourly rate is charged for all team members.
- **Holdback with Success Bonus**—a percentage is held back each month for fees, and earned by reaching certain successes.
- **Combination of Billing Methods**—this can come in the form of a fixed fee until trial and hourly rates during trial, or an hourly blended rate combined with the holdback and success bonus option.
- **Contingency Fees**—fees are based on a percentage of recovery.
- **Collared Fees**—a fixed fee estimate and payment schedule is established with a collar above and below the fixed fee estimate (typically 10% above/below). If the value of actual fees incurred is above 110% of the estimate or below 90% of the estimate of the collared range, the firm and client agree on a set percentage of the overage/deficiency to be paid by the client or credited to the firm.

Selecting the Right Model

Fish partners with its clients at the outset to understand their business objectives for each matter and identify the best pricing model for that matter or group of matters. Our clients frequently find that the most suitable pricing structure varies depending on the type of project or litigation, or on the strategic importance and value of the matter to the client.

We work with thousands of the world's largest and most innovative companies. They trust Fish to provide strategic counseling and litigation services in order to protect and maximize the value of their intellectual property. We can do the same for you.

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Atlanta Austin Boston Dallas Delaware Houston Munich New York Silicon Valley Southern California Twin Cities Washington, DC

Fish & Richardson is a global intellectual property firm offering patent prosecution, counseling, and litigation; trademark and copyright prosecution, counseling, and litigation; and commercial litigation services. Established in 1878, and now with more than 400 attorneys and technology specialists in the U.S. and Europe, our success is rooted in our creative and inclusive culture which values the diversity of people, experiences, and perspectives. Fish is the number one ranked U.S. patent litigation firm, handling nearly three times as many cases as our nearest competitor; a powerhouse patent and trademark prosecution firm; a top-tier trademark and copyright litigation firm; and the most-active firm at the Patent Trial and Appeal Board. Fish continues to win cases worth billions in controversy – often by making new law – for the world's most innovative and influential technology leaders. For more information, visit fr.com or follow us at [@FishRichardson](https://twitter.com/FishRichardson).