O'Melveny counsel Mark Davies has a unique practice that sits at the intersection of intellectual property and appellate matters. He joined the Firm in 2006 after seven years on the Appellate Staff of the Civil Division at the US Department of Justice (DOJ), where he represented the US Patent and Trademark Office, the Librarian of Congress, and various other federal agencies before the US Court of Appeals for the Federal Circuit, other US Courts of Appeals, and the US Supreme Court. When Mark was looking to leave the DOJ, he says he "wanted a firm that understood the value of appellate expertise and that had a very strong IP practice." He also already knew a number of O'Melveny lawyers in the Washington, DC office, including Brian Brooks and Jon Hacker. "I had lunch with Walter Dellinger and a drink with Brian Boyle. It was an easy choice," he recalls.

Mark, his wife Rachel Laser, and their three children Emily (12), Nicole (10), and Alexander (8) recently opened their DC-area home to the cameras of cable channel HGTV for its series Bang For Your Buck. In each episode of the show, three homeowners from the same city renovate the same room of the house with the same budget. After the renovation, experts determine whose remodeling choices were the best investment decision. The episode featuring Mark and family is scheduled to air on New Year's Day at 9:30 pm EST.

We recently asked Mark a few questions to find out a little more about him and what he's working on (and to get the scoop on his television debut).

Tell me more about the HGTV show.
Just before I joined O'Melveny a few years ago we gutted and remodeled our house with a great urban architect, Norman Smith, and he submitted the project to the show. My wife Rachel and I watch very little television (if you exclude a touch of Premier League soccer and Clone Wars) and had never heard of the show but we said yes as a favor to Norman. It was fun explaining the project as I had gotten into the theory behind modern design, but I can't ad lib for the camera at all. When they were shooting the family using the kitchen, the plan was for me to get our middle child Nicole a glass of water, but when I offered her a drink with the cameras rolling she said no thanks and I could not recover, even when her older sister Emily chimed in that she was very thirsty. It was fun that we "won" the show, for which you get exactly nothing ("not even a pat on the back" was the producer's line as I recall).

You authored Patent Appeals: The Elements of Effective Advocacy in the Federal Circuit (Oxford University Press, February 2008), which has been a bestseller in its category on Amazon and has been called "the user manual for Federal Circuit appeals." How did that opportunity come about? Any advice for counsel or associates here at O'Melveny who have an interest in getting published?
I was away for work and when I came back Rachel had saved a stack of mail, including a brochure of publications from Oxford. It began with an open invitation to contact them with any ideas about a book. I had been thinking there was no good manual on the basics of IP appeals, and so sent them an email and it grew from there. It was satisfying to write out what I had learned so far, though now of course I have things to add. Oxford just asked if I want to do a second edition, so we shall see. The book has been very helpful as a quick and accessible way to establish expertise. One trick is I never write anything without first knowing the publisher is interested in the piece. It is also key to choose topics that are current but not overly discussed. But I think the most important idea is to find topics that fit where you want your practice to go. I would be happy to talk to anyone at OMM with questions about getting published.

**Is there something you’re working on currently that is particularly satisfying or rewarding for you?**

Most of my time this past year has been on various appeals related to the *Hynix v. Rambus* litigation. This case touches every possible patent law issue, including destruction of documents, abuse of standard setting organizations, and cutting-edge questions of patent law such as the written description doctrine and obviousness. A really fantastic case to work on. It should be argued this summer. More generally, I am really enjoying the challenge and reward of growing an appellate-focused IP practice at O’Melveny. Darin Snyder and many other attorneys at the Firm have been very supportive, and I enjoy working closely with our different offices. So far, so good.

**How do you "recharge your batteries"?**

I jog on the mall at lunch work permitting, with either a jogging buddy or my wife. I like to run the Army 10 miler in October and the Cherry Blossom 10 miler in April, that way I can’t ever get too out of shape.

**What is your guiding principle?**

"Deserve Victory." It is a Winston Churchill quote, or at least it was on a WWII Churchill poster that hung in my college room.

**What is the first paid job you ever had?**

One of my first paid jobs in high school was as a grocery bagger at Waldbaums. I got promoted to cashier after a few weeks. They started me on the express line and I was, um, slow (this was pre scanner). A guy got very mad—bright red—when I let two people shopping together split their items to get under the 10 item maximum. I told him that if he did not calm down he would have a heart attack. He came back the next day to thank me for the advice. Mostly though, I worked for a cable research company to save up money to buy a Mac Plus.

**Anything obscure that you know more than the average bear about?**

I manage Emily’s travel soccer team. I know plenty about WAGS (Washington Area Girls Soccer, Mia Hamm’s league for awhile).

**What would people be most surprised to learn about you?**
I was born in Newcastle-Upon-Tyne England, and moved to the States when I was 7. My family is from Manchester, where my grandmother and various uncles and cousins live.

**What was the last book you read?**

Over the summer I read *The Lost* by Daniel Mendelsohn. The author is about my age, and like me grew up knowing that a lot of his grandfather's family had been killed in the Holocaust but had no details. He sets out to find out exactly how they died and, more important to him, how they had lived. In doing so, he touches on biblical themes, family dynamics, historical details, yet keeps the plot upbeat and coherent. One of his points is to show universal themes through close examination of a few individuals. As it turns out, his grandfather's province in Poland is very close to where my grandfather fled from. I tend to read fiction though. I've just started *Wolf Hall*, which is set in England and was a Hanukkah present.

**People:** Mark S. Davies

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