

Business & Practice

They've Got Next: The 40 Under 40 - Dustin Guzior of Sullivan & Cromwell

By Lisa Helem and Kibkabe Araya

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Dustin Guzior

Age: 38

Law Firm: Sullivan & Cromwell

Practice Area: Intellectual Property

Title: Partner

Location: New York

Law School: Boston University School of Law

Please describe two of your most substantial, recent wins in practice.

In April 2022, I was co-lead counsel to Columbia University in a patent trial in Virginia. The jury found that NortonLifeLock willfully infringed all Columbia patent claims, awarding damages of \$185 million. Because the jury found willful infringement, the judge can treble damages. Having the verdict read aloud in court was a career highlight.

In December 2021, the chief judge of the U.S. International Trade Commission issued a full patent defense victory for our client Ocado. In the U.S., Ocado works in partnership with Kroger creating robotic hives that rapidly store and retrieve groceries. A competitor, AutoStore, sought to shut them down. After a bench trial, three AutoStore patents were invalidated and the fourth was found not infringed. The full ITC affirmed. This was a bet-the-company case with an incredible client and team.

What is the most important lesson you learned as a first-year attorney and how does it inform your practice today?

To be a successful litigator, you cannot take shortcuts. You have to be interested in the relevant people, events, and companies, and spend significant time reading the evidence and conducting fact research. You become indispensable to clients and become the trusted voice to judges, arbitrators, or the government if you know the facts inside and out, especially in a case that involves complicated technology.

Today, before I write any brief, prepare for any argument, or prepare to depose or examine a witness, I spend enormous amounts of time conducting research, reading discovery responses, and reviewing the documents. It allows me to learn the case and find things I otherwise would have missed. For example, I was preparing to take an important expert deposition in a patent case recently, and the expert claimed on his CV to be a professor at Duke University. I was curious and dug into publicly available information, and I learned that the expert was not actually a professor at Duke. This is the hallmark of my practice: I will investigate the facts creatively and master them. I sometimes tell associates that being a great litigator is like good investigative journalism.

How do you define success in your practice?

It sounds trite, but I define success as having the courage to do the right thing. We always reach a crossroads in a case when we can choose to do what feels right (although, often not the path of least resistance). Sometimes, that means telling a client that a legal argument or factual position is not tenable. Sometimes, that means telling a client that they have a potentially winning position, but counseling them that the best business option is settlement discussions. And sometimes, that means asking the client to trust you to take the case to a successful verdict on a make-or-break issue. Nothing feels better than the last of those scenarios—fighting for the good guy and winning—but each is a version of success. If at the end I feel like I did the right and best thing for a client, I think it was a success.

What are you most proud of as a lawyer?

I am really proud of the work I have done training associates to be trial lawyers. I go out of my way to teach associates deposition and cross-examination skills, and then give them the opportunity to perform. From mid-2021 to mid-2022, I will have taken three teams of associates through trial, and I love teaching them the most exciting part of this job and watching them thrive.

I also am really proud of teaching associates that doing the right thing is the best way to win a case. Many law firms say that litigation is a “zero sum game,” and I see associates watching opposing counsel and wondering if you need to play cutthroat to win. I tell associates that you can win and still be a good person. I’m immensely proud when we do win a trial—like the Ocado trial in 2021—and I see the associates appreciate that we won by playing above board. They carry that culture into their next case, which is so important. I also tell associates that clients like good results, but they will come back to you if you deliver good results and you are a good person.

Who is your greatest mentor in the law and what have they taught you?

This is cheating, but there are four who cannot be distinguished: Yvonne Quinn, Garrard Beeney, Steve Holley, and John Desmarais. Yvonne was one of the first female partners at S&C, and she worked harder than anyone I have ever known. She taught me the answer to Question 1 above. Garrard is one of the fiercest litigators I know, but also a really great person who associates and clients love and trust. He taught me the answers to Questions 2 and 3 above. Steve Holley is a meticulous thinker and writer. He taught me how to write and organize my thoughts and arguments. John Desmarais is a brilliant trial lawyer and taught me many of the tricks of that trade, for which I am grateful.

Just for fun, tell us your two favorite songs on your summer music playlist.

In June 2022, Rufus Wainwright did a concert recreating Judy Garland's legendary performance at Carnegie Hall (in honor of what would have been her 100th birthday). It was amazing, and I found out after the show that there is a recording of when he did the performance at Carnegie Hall in 2006 or 2007. His version of "San Francisco" and "Chicago" are staying on this year's summer playlist.

There is an extraordinary revival of "Little Shop of Horrors" at the Westside Theater That cast recording in its entirety also is on the summer playlist. I'm not the least bit ashamed that this is the music that gets me pumped for a run along the Hudson River.

Dustin Guzior advised 15 institutions in the formation of the University Technology Licensing Program, a joint patent licensing pool that brings hundreds of inventions in the physical sciences under one umbrella. An advocate for LGBTQ diversity within the legal field, he is a former winner of the National LGBTQ+ Bar Association's "Best LGBTQ+ Lawyers Under 40" award.

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