

# How Kramer Levin's Patent Trial Team Approaches Teaching Tech to Juries

By Ross Todd  
October 23, 2024

Close readers of the Runners-Up and Shout Outs column might have picked up on a pattern lately: **Paul Andre, Lisa Kobialka, James Hannah** and their team at **Kramer Levin Naftalis & Frankel** have put together a string of three big plaintiff-side patent litigation wins over the past 10 months.

Earlier this month, in a case where they represented client Acceleration Bay, federal jurors in Delaware returned a [\\$30.5 million verdict](#) against Amazon Web Services, finding two AWS cloud-based products infringed upon patents covering computer networking and broadcasting technology. That win came just a few months after the team landed a [\\$23.4 million verdict](#) for Acceleration Bay in May, also in Delaware federal court, against video game maker Activision Blizzard in a two patent case—including one of the patents also asserted in the Amazon case. The Activision win, in turn, came just a few months after the team won a whopping [\\$151.5 damages](#) verdict for client



Courtesy photos

L-R: Paul J. Andre, Lisa Kobialka and James Hannah of Kramer Levin Naftalis & Frankel.

Centripetal Networks Inc. in February in the Eastern District of Virginia in a four-patent showdown with Palo Alto Networks.

In the wake of the hot streak, Litigation Daily caught up with Andre, Kobialka and Hannah to discuss their overarching approach to explaining complex technology to lay jurors. They said that as jurors are becoming more sophisticated consumers of technology, it's important to respect their intelligence and give them the information they need without oversimplification.

“The way I think about it is we treat them like adults, not children,” said Andre, who has a background in molecular biology. “Give them the meat. Let them chew on it.”

Andre said the opponents in their most recent trials analogized the underlying computer networking technology concerning the flow of massive amounts of data to how the line moves at Trader Joe’s.

“That’s not how it’s done,” Andre said. “Trillions of gigabytes of data ... they don’t have a person standing there saying, ‘You go to lane three now.’ That’s just insulting.”

Kobialka, who is married to Andre, does not have a technical background. She was a classically trained violinist prior to becoming a lawyer. She says that patent litigators are often “very, very smart people,” and that during the course of a trial, that fact can’t help but come across. When jurors see obviously intelligent lawyers showing cartoons and oversimplifying the technology, she said that’s where there’s a danger of insulting the intended audience.

To try to strike the right balance, Andre said the team makes sure that at least one out of every three lawyers who go to trial do not have a technical background. And Hannah, who himself has a background in electrical engineering, said that the team tries to get those with technical backgrounds to work on cases that fall outside their expertise so it’s material that’s “still new to them.” Andre said that the team is aiming for a tone that it calls the “judge and jury standard,” meaning that they’re teaching the subject matter to people

who aren’t afraid of technology, “but who are not classically trained in it either.”

The make-up of the team means Kobialka often finds herself keeping tabs on how judges and jurors might respond to the team’s presentation. “I work with really, really smart people and they will sit there and describe [the technology] to me,” she said. “I want to make sure we get as technical as we need to because we’ve got to prove our case. We can’t shy away from the realities of what [the technology] is.” Still, she said she sometimes has to remind team members to slow down and go “step-by-step” through how something works.

She added that the team spends a lot of time figuring out how to convey technical concepts and information in a persuasive and meaningful way that the entire team is on board with. “Some of that is thematic. Some of it’s just the nitty gritty technologies, and sometimes there’s stories to be told behind how we got there—from point A to point B,” she said.

Hannah said that Kobialka is continuously giving the team feedback about which technical concepts are landing and which need more explanation. He said where he might make assumptions about what’s getting through, Kobialka does a good job of challenging those assumptions and identifying when something needs to be explained in a new or different way. He also pointed out that in their recent trial, they explained how the underlying technology made it possible for millions of viewers to watch the Super Bowl at once.

“I think that’s part of the great team that we have. We can bounce that back and forth to be technical enough so that we give them the meat, but not be insulting or oversimplify things,” Hannah said.

Kobialka added that another strength of the team is how long everyone has worked together. She and Andre have worked together since 1987. Hannah has been part of the team for nearly two decades. “We’ve done a lot of these cases together. So we understand where we need to go and how to develop these things jointly, together,” Kobialka said.

She said she also draws on her past experiences connecting with audiences as a musician to help determine whether the team has captured the attention of jurors. “As technology has gotten much, much more advanced, much more complicated, we really have to make sure the connection is there,” she said. That often means explaining to jurors how the technology at issue actually touches their lives—as in the Super Bowl example in their

recent case. “Nine times out of 10, there’s no way they can see it,” she said.

Andre, by contrast, pointed out that he’s “not a performer.” A native of Southern Ohio, he says he has a “Midwestern sensibility.”

“I trust the jury,” he said. He said that his job is to give jurors “the real evidence ... the truth as we see it.”

“I just kind of trust if we do the process correctly, we’ll get the results,” he said.

He also says technology has changed the way the team presents evidence. Where they previously used poster boards and other more physical means to teach the underlying tech, now, with most people consuming information through their phones, tablets, computers and televisions, they present most evidence through screens. “We’ve evolved with the times,” Andre said. “The only constant theme that we’ve kept through all of our trials the last 20-plus years is get them the real evidence—don’t hide the evidence from them—and don’t be wrong on the technology,” he said.