



PAUL GUPTA, ESQ.

Commercial, Corporate, Cybersecurity and Data Privacy, Technology, Intellectual Property, Professional Liability

Paul Gupta has over 30 years of experience with arbitrations, mediations, jury trials, bench trials, and evidentiary hearings in technology and other matters. He serves as an arbitrator and mediator, and also represents parties in complex ADR (Alternative Dispute Resolution) and other proceedings. He is a member of the Executive Committee of the New York State Bar Association's Dispute Resolution Section and is the co-chair of its Technology Committee.

Mr. Gupta's notable ADR and other matters involve a wide range of technology issues including cybersecurity, data breach, privacy, e-commerce, employment (including NDAs and statutory claims), IP, patents, copyrights, trademarks, trade secrets (including DTSA claims), fiduciary duties, corporate governance and Boards, M&A, earn-out, and contract issues. He also frequently handles computer-based issues involving IoT, connected devices, computer hardware and software, internet, computer service and outsourcing contracts (including performance criteria, compatibility, SOWs and indemnities), cloud computing, robotics, autonomous vehicles (AVs), smart cities, and smart contracts. Mr. Gupta is actively involved with new technologies in the areas of AI, telecom (including 5G), cleantech (including biofuels, solar and EVs), aviation technology (including drones), FinTech, and medical devices. He also has extensive experience with unfair competition and antitrust.

Additionally, he has extensive experience with bankruptcy, receiverships, and restructurings. He has handled a variety of issues arising from bank failures, FDIC takeovers, and bridge banks. He has been lead counsel on over 60 such matters.

With decades of hands-on experience, he has developed effective techniques for fact-finding and applying the laws to the facts, including separating reliable evidence from "junk science." Mr. Gupta has extensive experience with expert testimony involving technology issues, as well as damages and forensic accounting. He also has extensive experience with e-discovery, and evidence in CAD and other electronic formats. In addition, Mr. Gupta has handled cases that have helped to develop the legal standards for privilege issues, including attorney-client, work product, and common interest privileges.

As a frequent lecturer on ADR issues, Mr. Gupta has presented at the RSA Cybersecurity Conference, the Commonwealth Club, and client sites. At the RSA Conference, his co-speakers were two Generals, including the former National Security Advisor to the President and the Supreme Allied Commander Europe. His experience with cybersecurity includes data breach liability and mitigation, as well as the responsibilities of corporate officers and Boards. He has lectured on cybersecurity, IP, and commercial issues at leading industry conferences, including the Stanford E-Commerce Best Practices Conference. He has been the chair and a speaker for the past six Thomson Reuters Annual Webinars on *Cybersecurity and Privacy Best Practices* and continues as the chair and a speaker.

According to Chambers USA, he is an "expert in cybersecurity" and "renowned for his work in the technology arena". He has also consistently been selected for inclusion in SuperLawyers since 2006.

AREAS of EXPERIENCE

- Commercial
- Corporate
- Cybersecurity and Data Privacy
- Technology
- Employment
- Intellectual Property
- Professional Liability

LECTURES and PUBLICATIONS

- Speaker, *Best Practices for Arbitrating Technology Disputes*, New York State Bar Association, 2023, American Arbitration Association, 2022
- Chair and Speaker (since 2014), *Cybersecurity and Privacy Best Practices*, Thomson Reuters' Annual Webinar, 2023
- Chair and Speaker, *The Use of AI in Discovery for Arbitration and Litigation*, New York State Bar Association, 2023
- Chair and Speaker (co-speakers included leaders of three ADR organizations), *Arbitration and Mediation—Best ADR Practices for Successfully Resolving Disputes*, Thomson Reuters Webinar, 2014-2019, 2022
- Chair and Speaker, *Smart Cities, Smart Cars, Smart People: Hope or Hype?* The Commonwealth Club, 2019, Speaker, RSA Conference, 2019
- Speaker, *Smart Contracts & Third-Party Relationships – Best Practices and Common Pitfalls*, 16th Annual Stanford Law School E-Commerce Best Practices Conference, 2019

HONORS and AWARDS

- Selected for inclusion in Super Lawyers, 2006-2022

LEGAL EXPERIENCE

- Partner, Rimôn PC, 2021-Present
- Partner, Reed Smith LLP
- Partner, Orrick, Herrington & Sutcliffe
- Partner And Practice Leader, Mayer Brown

PROFESSIONAL LICENSES and ADMISSIONS

- New York State Bar
- Massachusetts State Bar
- United States Court of Appeals for The Federal Circuit
- United States Court of Appeals for The First Circuit
- United States Court of Appeals for The Second Circuit
- United States District Court for The District of Massachusetts
- United States District Court for The Eastern District of New York

- United States District Court for The Southern District of New York

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Member of Executive Committee, New York State Bar Association (NYSBA) Dispute Resolution Section
- Co-chair, Silicon Valley Mediation and Arbitration Center (SVAMC) – Programming Committee

EDUCATION

- Harvard Law School, J.D.
- Yale University, B.A.