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# TOP INTELLECTUAL PROPERTY LAWYERS

## Michael R. Ward

<b>FIRM</b> <b>Morrison &amp; Foerster LLP</b>	<b>CITY</b> <b>San Francisco</b>	<b>SPECIALTY</b> <b>Agriculture</b>
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Ward helped secure a dramatic legal victory last year that preserved the framework of an important partnership within California's enormous strawberry industry.

A federal jury ruled in May 2017 against two former UC Davis scientists who sued the university over control of a collection of strawberry-breeding plants they'd developed.

The jury decided unanimously that Douglas Shaw and Kirk Larson willfully infringed UC patents, breached duties of loyalty and fiduciary duty, and used plant material owned by the UC Davis Public Strawberry Breeding Program to develop berries for California Berry Cultivars LLC, a corporate breeding firm they established with several large commercial nurseries and growers.

"It was an enormous case — truly a bet-the-university type case," said Ward, who represented UC Davis. "If these scientists set the precedent that any breeder could take this stuff and leave, [the university was] really in a mess. So they fought very, very hard."

Strawberry varieties developed at UC Davis produce about 60 percent of the strawberries consumed worldwide and generate \$2.5 billion a year.



A lifelong plant lover, Ward is a foremost figure in the field of plant intellectual property and agricultural biotechnology today, but he credits his love for growing things to his mother.

"She got me started as a little kid — just growing carrots on the windowsill and beans," Ward said, noting that he soon moved on to growing potatoes in the backyard. "I just loved gardening

and vegetables, and I started studying it when I got to UC Berkeley as an undergrad. I just loved the science."

Chair of Morrison & Foerster's patent group and co-chair of the firmwide IP group since 2010, Ward said agriculture is one of the hottest areas now for venture capitalists.

"I laugh at it because I always thought plants were kind of cool," he said. "It's fun to see the investors finally say, 'Oh. Wow. We need to eat. We need to feed lots of people. We need to grow new and better tasting fruits and vegetables.'"

Ward noted that much of the produce consumers encounter at the grocery store is the result of work done by plant breeders like those working in partnership with UC Davis and its strawberry program.

"The investment breeders put into this is much like investing in a drug in terms of development," he explained. "You need to protect that from those who might steal plants."

"And plants are pretty easy to steal," he continued. "The IP associated with that is very different from other areas of patent law. You really have to be strategic and you really have to understand the science, and I just love that mix."

— Shane Nelson