

California Powerhouse: Morrison & Foerster

By Ryan Boysen

Law360 (August 30, 2018, 7:02 PM EDT) -- In the last year, Morrison & Foerster LLP has fought to a standstill Waymo's \$2 billion trade secrets case against Uber and steered the ride-hailing giant's subsequent settlement, all while helping to guide billions in investment dollars into various startups and handling more parochial concerns on behalf of Golden State institutions like the University of California.

The firm's success has landed it a spot on Law360's 2018 California Powerhouses list, which recognizes law firms that stand out for the size of their footprint in California and the reach of their legal influence across the state's booming economy.

Craig Martin, a firmwide managing partner based out of Morrison & Foerster's San Francisco headquarters, said the firm has managed to build itself into a global player in large part thanks to its laser focus on California's emerging industries.



"We're deeply rooted in California and the Bay Area, and we've grown up with a lot of these industries," Martin said. "During that time, we've established ourselves as a go-to, not only in California, but frankly globally, for technology, life sciences, health care and finance, although we're first and foremost known as a technology firm."

Morrison & Foerster was founded in San Francisco in 1883 and began expanding in earnest to other California cities starting in the 1970s, making it one of the oldest law firms in the state. Today, the firm has 397 attorneys in California, with offices in San Francisco, Palo Alto, Los Angeles and San Diego.

The most high-profile case to come out of Morrison & Foerster's symbiotic relationship with California in recent years was the Waymo-Uber trade secrets case, which garnered headlines all over the world.

Google-owned Waymo LLC sought to bring the hammer down on Uber Technologies Inc. for its purchase of a company founded by an ex-Google engineer, whom the tech giant accused of stealing proprietary information from its driverless car program.

By the time the case went to trial in February, Morrison & Foerster had already managed to defang much of the formerly imposing lawsuit, fighting off Waymo's request for a punishing preliminary injunction and killing off all of Waymo's patent claims, leaving just a handful of trade secrets claims. The

case settled mid-trial, with Uber agreeing to give Waymo a \$245 million equity slice, a far cry from the nearly \$2 billion damages figure Google had originally cited.

“The Uber case was particularly important for us because it not only showcased our strength in the technology and intellectual property that the firm is renowned for, but also our litigation prowess,” said Tessa Schwartz, another firmwide managing partner based out of the San Francisco office. “We’ve been known as the leading litigators in the Bay Area for some time, and that’s something we’re very proud of.”

Schwartz also noted that Uber’s new general counsel, Tony West, served an eight-year stint at Morrison & Foerster before going off to Washington, D.C., and then ending up back with one of their biggest clients.

The firm also secured a big win last June in the U.S. Supreme Court for Sandoz Inc., the generic-drug subsidiary of Swiss pharmaceutical giant Novartis Inc., in a legal battle against California native Amgen Inc.

Sandoz sued fellow pharmaceutical giant Amgen in a bid to change the 180-day notice period for so-called biosimilar drugs required by the Biologics Price Competition and Innovation Act, a process that previously required a biosimilar drugmaker to wait until their drug was approved by the U.S. Food and Drug Administration before they could start the clock ticking on the BPCIA's 180 days.

That procedural hurdle generally ended up resulting in roughly six months of delay for generic-drug makers seeking to bring cheaper alternatives to brand name products to market. The justices ruled unanimously in favor of Sandoz, finding that the 180-day notice under the BPCIA can be given before a drug is licensed by the FDA, allowing biosimilar makers to run out the BPCIA's clock while the FDA is evaluating their products.

In yet another trial win that’s as California as it gets, Morrison & Foerster helped the University of California bring to heel two former professors at UC Davis’ world-renowned agricultural program who had been accused of absconding with several cutting-edge strawberry varieties developed at UCD. The two parties settled following a unanimous jury verdict in favor of the university, with the professors agreeing to return certain varieties and give up \$2.5 million in future patent inventor royalties.

While those courtroom battles were playing out Morrison & Foerster was equally busy in the boardroom, helping longtime client SoftBank plow down nearly \$10 billion into various startups. The Tokyo-based bank put the lion’s share of those funds, \$7.7 billion, into Uber, but also invested \$865 million into construction startup Kattera and \$535 million into food delivery app DoorDash.

The former co-chair of Morrison & Foerster’s global mergers and acquisitions practice group, Robert Townsend, announced this month that he’d be joining SoftBank as its first ever chief legal officer.

“We’re really proud of that connection with the client, which started in Japan but has been built up through our connection to California,” Schwartz said.

Morrison & Foerster also represented Intel Corp. in its \$15.3 billion acquisition of Israeli automotive technology company Mobileye NV, helping the Silicon Valley legend bolster its position in the fast-growing driverless vehicle market.

Schwartz and Martin both said they see sunny days ahead for the Golden State and its legal market, which they predict will continue to rise on the strength of California's economy and especially the tech industry.

"I think the driver of much of the state's growth in recent years has been related to the tech industry, and given our relationship with that industry it's not hard to draw a direct connection between the growth in tech and a growth in our practice," Martin said. "It's very much a virtuous cycle because as the demand for high-quality legal services in tech and elsewhere continues to surge, the available talent pool continues to grow."

Schwartz was more direct, adding that the firm is "absolutely interested in growing the Bay Area practice."

"Unlike many firms that have only begun to move into the Bay Area fairly recently, we're lucky because we have a brand name and a high-caliber, established practice here," she said. "So it's easier for us to recruit into this office than it is for firms who come from other markets."

--Editing by Orlando Lorenzo.