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They've Got Next: Intellectual Property Fresh Face Roman Swoopes

Name: Roman Swoopes

Firm: Morrison & Foerster LLP

Location: Palo Alto, Calif.

Claim to Fame: Represented Oracle Corp. in a landmark battle with Google over code in the Android operating system, and successfully made two arguments in district court.

Age: 37

It was 2011 and Oracle Corp. and Alphabet Inc.'s Google were slugging it out in the U.S. District Court for the Northern District of California, in what a federal trial judge called the "World Series of IP." And it was Roman Swoopes' turn in the batter's box.

Swoopes, who had been working behind the scenes for Oracle, doing legal research and writing briefs, was arguing the meaning of a patent phrase. He would also argue against Google's bid for partial judgment on a copyright claim.

Both resulted in decisions favorable to Oracle.

It hadn't taken long for the spotlight to find Swoopes, who was still in his first year with Morrison & Foerster LLP.

"I feel very fortunate to have been in the right place at the right time, when the so-called smartphone wars cases were just starting," said Swoopes, who joined the firm after graduating from Stanford Law School in 2010.

The smartphone wars have been a worldwide intellectual property battle between tech companies, with *Oracle v. Google* as the headliner. Oracle believes it's entitled to almost \$9 billion, in what is arguably the biggest software fight of all time. The case is currently at the U.S. Supreme Court.

For Swoopes, the matter was right in his wheelhouse. After graduating from Harvard University, he moved to Silicon Valley and worked as a software consultant for Accenture Plc before attending Stanford, where he was president of the Stanford Law and Technology Association.

He said he's been drawn to the intersection of smart-phones and intellectual property law.

"Even in law school I had an interest in that, and it so happened that the firm needed legal research and additional work at that time," Swoopes said. "So I dove right in."

His other work at the firm has included representing companies in disputes involving open source software licenses. He was also part of a MoFo trial team that successfully represented Toshiba Corp. in a 2013 patent infringement trial against Imation Corp., now GlassBridge Enterprises Inc., and other companies over DVD technology.

Swoopes, who is a senior associate at the firm, recently returned to MoFo after clerking last year for Judge Raymond Chen of the U.S. Court of Appeals for the Federal Circuit.

Michael Jacobs, a MoFo partner who has worked on various cases with Swoopes, said the 37-year-old attorney has excelled in the opportunities that have come his way. Swoopes' legal work is "of the highest quality," Jacobs said, and he has a manner that inspires confidence.

"He has an inherently logical mind and he conveys that logic in a way that is compelling," Jacobs said.

After returning from his clerkship, Swoopes joined a MoFo pro bono team representing California students in some of the lowest performing schools in a lawsuit against the state. The case, filed in Los Angeles County Superior Court, was the first civil rights suit brought under a state constitution to protect students' right to access to literacy, according to the firm.

It settled in February, with a deal that netted \$53 million in funding to promote literacy.

"You need an education to work in today's high-tech world," Swoopes said. "If you can help students get access, you can make a huge difference in their lives."

By [MATTHEW BULTMAN](#)

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