

Technology Group Of The Year: Ropes & Gray

By James Mills

Law360 (February 17, 2022, 2:02 PM EST) -- Ropes & Gray LLP in the past year worked on multibillion-dollar deals for tech companies like McAfee and represented Samsung and Roku in patent litigation, earning the firm a spot as one of Law360's 2021 Technology Groups of the Year.

The type of transactions Ropes & Gray is known for handling aren't drafting a licensing agreement or arranging an early round of stock financing or venture capital. Although they do have attorneys who handle such transactions, they generally leave that to smaller firms.

"We are tech for grown-ups," said Ed Black, co-head of Ropes & Gray's technology, media and telecommunications practice group. "We are known for handling tech transactions and tech problems when they achieve a certain level of size and importance. We often handle multibillion-dollar transactions."

The clients Ropes & Gray frequently represents are in industries like life sciences, health care technology, consumer hardware, semiconductors, software, digital platforms and services, fintech and more.

"In those industries, we know the industry, and we have a very sophisticated practice to accelerate that company's ability to handle its commercial deals and litigation problems," said Black.

In the past year, Ropes & Gray advised Altimeter Growth Corp. in its \$40 billion December 2021 merger with Grab Holdings.

Ropes & Gray also represented private equity platform TPG Capital in its August 2021 deal with AT&T Inc. that spun off DirecTV into a separate company valued at \$16.25 billion, and represented McAfee Corp. in the \$4 billion sale of its Enterprise pure play cybersecurity business to Symphony Technology Group in July 2021.

On the litigation side, Ropes & Gray represented Samsung Electronics Co Ltd., a longtime client, in several patent cases. That includes in 2019 when a federal judge ruled Samsung and Apple Inc. were not guilty of patent infringement tied to the dual-lens camera in its cellphones.



Ropes & Gray also scored numerous victories for Roku Inc., defending the streaming television service against several patent infringement suits connected to its universal remote control.

Meanwhile, because the courts can be so slow to deal with patent cases, many are going through the Patent Trial and Appeal Board for a review to make sure a patent was granted properly.

"PTAB is the hot area for clients to defend themselves against bad patents," said Andrew Thomases, chair of the firm's intellectual property litigation practice and co-head of the firm's technology, media and telecommunications practice. "We're one of the leading firms in the PTAB practice. We have a 96% success rate."

The secret to Ropes & Gray's technical prowess lies in the fact that many of its attorneys earned graduate degrees in fields like electrical engineering, mechanical engineering, life sciences and the like before becoming lawyers.

"We recruit them out of graduate school, they work for us for a while, and then we pay for them to go to law school," explained Thomases. "They get to go to law school on our dime, and afterward they come back as an associate."

The idea is that it is easier to teach an engineer how to be an attorney than it is to teach an attorney to be an engineer.

It's part of Ropes & Gray's Technical Advisor program, started by the acclaimed boutique intellectual property law firm Fish & Neave, which merged with Ropes & Gray in 2005. Ropes & Gray continued and expanded the program, which today brings in as many as 10 new recruits a year to be TAs.

The TAs help not only with litigation, but also on complicated technology transactions, such as a licensing deal or a merger and acquisition where some technical background is needed.

These TAs already know the technical jargon and the various acronyms of a field and can quickly put clients, inventors or engineers at ease by being able to speak their language.

"We bill them much lower than an attorney because they're not yet an attorney, they're technical advisors. So, there's a lot of benefit to our clients," said Thomases. "If we have a client come to us and say we need an expert in Wi-Fi, we probably have two or three people who did a dissertation on wireless networking or worked in the industry. So, we can staff our team with attorneys and technical advisors who really meet the client's need for that particular matter."

When they finish law school, the new attorneys, already familiar with many client concerns, can hit the ground running. Some TAs-turned-attorneys have now been with Ropes & Gray so long that they've made partner.

Ropes & Gray tech hubs are in its New York and West Coast offices, where tech transactions make up the majority of the offices' work. But today, all the firm's 14 offices worldwide handle tech issues regularly since tech spills over to so many transactions.

"You have a core group [of attorneys] that is all tech," said Matt Jacobson, co-head of the firm's technology, media and telecommunications practice. "But it touches virtually every corner of our business now, so [almost all our attorneys] have some technology experience."

Similarly, almost all the deals the firm does now have a technological component, be it licensing deals for software or intellectual property — or just a bank now dealing with technology concerns because they do a lot of fintech deals.

Because technology is evolving at such a rapid pace, Ropes & Gray spends considerable time trying to keep up with the latest trends.

"We're investing in trying to anticipate what keeps our clients up at night and solve their problems that are related to tech," said Jacobson.

And one of the biggest challenges Ropes & Gray faces? The "end of geography," said Black.

"We were already highly networked, highly connected before the [COVID-19] pandemic. But after the pandemic, you can work from anywhere," said Black. "The clients are all over the globe, we're all over the globe. Time zones have become almost irrelevant. We strive inside the firm to collaborate on our clients' timelines. I live in the Boston area and have clients in Europe and in Asia. It's a lucky night when I get to sleep."

--Editing by Andrew Cohen.