

## Cravath Burnishes Corporate Cred With Kappos Hire

By **Ryan Davis**

*Law360, New York (February 06, 2013, 9:37 PM ET)* – Cravath, Swaine & Moore LLP has cemented its reputation as a top corporate transactions firm with Wednesday's hiring of former U.S. Patent and Trademark Office Director David Kappos, who will lend his expertise to the intellectual property aspects of deals.

Kappos, who left the agency last week, joined the firm as a partner in its corporate practice, and Cravath presiding partner Allen Parker said the USPTO veteran's experience would be particularly valuable in the firm's work on transactions, which often have an intense IP focus.

"In Dave, we're talking about someone who brings an extraordinary level of expertise and will be able to attract a even broader range of clients with IP-intensive work," he said.

The hiring of Kappos seems to be a strategic move to bolster the firm's IP expertise in transactions, because, according to Gary Klein of legal search firm Klein Landau & Romm Inc., "to say Cravath is not known for IP would be an understatement."

"Cravath is an elite firm for bet-the-company matters, and Kappos can certainly help them with the esoteric technical aspects of M&A and litigation," he said.

Cravath has about 500 attorneys, and though it is not divided into specific practice areas, there are about a dozen attorneys that spend a significant amount of time on IP, Parker said.

In addition to M&A and other transactional work, where Kappos will advise on issues such as IP validity and due diligence, he also will offer advice and expertise in connection with the firm's IP litigation work, Parker said.

"Dave will be an outstanding addition to our firm, supporting our clients when they are addressing their most complex intellectual property issues, including those involving our clients' deal activity as well as their litigation and antitrust matters," he said.

In an interview Wednesday, Kappos said, "From my new post here at Cravath, I hope to continue to advance the U.S. and global innovation system, and ensure that Cravath's client set is maximally successful in navigating the innovation ecosystem."

He said he had a "tremendous level of respect" for Cravath, particularly the way it looks at IP as a tool to meet business objectives, such as bringing new products and services to market and creating economic opportunity for innovators.

"That is the purpose of the IP system," he said. "And it is the use of the IP system to create economic opportunity and achieve business results that I want to be a part of at Cravath."

Before joining the USPTO in 2009, Kappos worked for more than two decades at IBM, one of Cravath's major clients and the world's largest holder of intellectual property.

"We worked with him for over 20 years at IBM, so we're bringing in someone whose abilities and approach to practice are well known to us," Parker said.

During his last post at IBM from 2003-09, Kappos served as vice president and assistant general counsel for intellectual property, managing all aspects of IBM's patent, trademark, copyright and trade secret protection. He holds an undergraduate degree in electrical and computer engineering from the University of California, Davis, and a law degree from the University of California, Berkeley.

According to Klein, if Kappos had wanted to join a firm known primarily for IP, there were dozens of other firms he could have chosen. Cravath clearly saw a value in bringing on someone with extensive IP knowledge to advise on M&A, which can touch on every area of the law, he said.

"It's hard to second-guess Cravath," he said. "If they think they need that expertise, I'm sure they do."

Cravath is known for handling high-end, complex work, and having the former patent office director on staff will be an important resource for the firm's major clients, according to Michael Rynowecer, president of The BTI Consulting Group Inc. (Wellesley, Mass.).

"He'll be able to address new and complex issues and bring the perspective of the agency, as well as his experience as a practitioner," he said. "That will be very attractive to high-end IP clients."

Cravath made a similar move in 2011, when it added Christine A. Varney, the former U.S. assistant attorney general for antitrust, as a partner in its litigation department. When a firm brings in high-level officials, it becomes a magnet for businesses that want to be able to consult with the person who was recently in charge of the relevant government agency, Rynowecer said.

Kappos, who led the USPTO during major changes to patent law under the America Invents Act, will be particularly sought after in that regard, he said. The firm's announcement of his hiring notes that during the implementation of the law, Kappos led "the most comprehensive rulemaking and public engagement period in USPTO history."

"To have the person who was overseeing the agency and can advise on how to navigate those changes will make him a tremendously valuable adviser to companies," Rynowecer said.

Cravath already has a strong reputation as an elite law firm, but hiring Kappos is a wise business decision as that group of top firms is becoming smaller and smaller, said Jack Zaremski, founder and president of Hanover Legal Personnel Services Inc.

"This move will enable Cravath to further distinguish itself and separate itself from the rest of the pack," he said.

--Editing by Elizabeth Bowen and Chris Yates.

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