

# The Metropolitan Corporate Counsel®

www.metrocorpcounsel.com

Volume 17, No. 6

© 2009 The Metropolitan Corporate Counsel, Inc.

June 2009

## Leveraging IP Through A Strategic Acquisition

*The Editor interviews Randall C. Brown and Edward C. Kwok, Partners at Haynes and Boone, LLP.*

**Editor: I understand Haynes and Boone has effected a merger with MacPherson Kwok Chen & Heid which has offices in California. What is the total number of lawyers making up Haynes & Boones' IP practice?**

**Brown:** We have more than 70 lawyers in our IP practice. All 27 of the lawyers and IP practitioners at the MacPherson Kwok firm remained with the combined firm after the merger, including seven partners, four Of Counsel attorneys, ten associates, five patent agents, and one senior technical scientist.

**Editor: What was the motivation for this merger?**

**Kwok:** MacPherson Kwok, founded in 2002, has always had its main focus on intellectual property law. Within IP we stressed: (1) the prosecution practice including licensing; and (2) intellectual property litigation in federal courts and at the International Trade Commission. The firm grew rapidly in California, but we could not find enough good experienced IP litigators to support our growing IP litigation practice. We spoke with a number of firms with established infrastructure support and manpower and Haynes and Boone turned out to be the best fit.

**Brown:** We identified California as a key expansion market and had been looking for the right firm with which to combine. MacPherson Kwok was the perfect fit because we serviced several common clients, were financially compatible, and, most importantly, we shared the same teamwork and client service philoso-



**Randall C.  
Brown**



**Edward C.  
Kwok**

phies. The combination has exceeded our expectations in every respect.

**Editor: In what ways do your clients benefit?**

**Brown:** Prior to the combination we serviced several common clients such as Agilent, Boeing, Cisco, eBay, Intel, Samsung and Taiwan Semiconductor. The combination enables us to service these clients with greater efficiencies and provides the opportunity for expanded representation both in terms of intellectual property and other practice areas. We intend for our California offices to be full-service offices and anticipate that there will be growth opportunities in intellectual property as well as in inbound work from Asian companies, venture-funded corporate matters, labor and employment, and big-ticket litigation including patents, securities, insurance coverage and class actions.

**Kwok:** From the California perspective, since the merger in February, we have had numerous occasions to refer our clients to the areas of practice that MacPherson Kwok did not have before the merger. We can now just pick up the phone and call the expert within our own firm.

**Editor: Have you integrated the two**

**firms with your computers, etc. at this point?**

**Brown:** Our computer systems are integrated so that the attorneys and staff in the California offices are on the Haynes and Boone network. We have also integrated our accounting and docketing systems such that those functions are handled on a centralized basis.

**Editor: Where are the firm's offices located?**

**Brown:** Austin, Dallas, Fort Worth, Houston, Mexico City, Moscow, New York, Orange County, Richardson, San Antonio, San Jose, and Washington, D.C.

Because of the locations of our offices, we have lawyers in close proximity to the eastern district of Texas, the northern district of California, the central district of California, and the International Trade Commission, which are four active venues for patent litigation.

**Editor: What trends are emerging in IP law? What are the potentially significant issues on the horizon and how will these affect corporate clients?**

**Brown:** Trends in IP law often mirror those of other industries. What we're seeing now is a significant government investment and focus on clean technology and clean energy. We have attorneys who have been involved in these industries and who have the technical background to assist companies in the patenting of technologies resulting from their investment and focus in that area.

**Kwok:** The future opportunities will still be in emerging areas of networking, IT, semiconductor, biotech and medical technology. We expect the emerging technolo-

*Please email the interviewees at [randall.brown@haynesboone.com](mailto:randall.brown@haynesboone.com) and [edward.kwok@haynesboone.com](mailto:edward.kwok@haynesboone.com) with questions about this interview.*

gies will require new and creative approaches to the law. We will be able to take advantage of these opportunities because our lawyers are well versed in technology, and we have the infrastructure to support the needs of these diverse and fast-moving technologies.

**Editor: Do you see the new Obama approach to antitrust affecting some of these high-tech companies?**

**Kwok:** Antitrust law has long been an element of intellectual property litigation. But what we have seen in IP law that is truly exciting and innovative tends also to

create new markets. Antitrust concerns are seldom prevalent in new markets. It's probably a little too early to predict how the administration's policy in antitrust enforcement would make any difference in how our existing clients with significant market positions operate.

**Editor: How has the economic crisis affected IP practices, generally, in terms of lawyers and clients? What can we expect for the remainder of this year?**

**Brown:** It's had a significant effect on many of our clients. We're working with

them to mitigate the effects as best we can. The types of clients whom we represent realize that an investment in research and development of technology is essential to their future profitability. Even though some clients are having a tough time, they're still investing in technology, and they are making smart, prudent decisions when it comes to protecting their IP.

**Kwok:** A lot of people say that out of recession come new markets, new technology, needed new devices and new ways of life. I guess that might be applicable to this recession as well.