

CALIFORNIA LEADERS IN TECH LAW & INNOVATION

The Recorder is proud to announce this year's winners and finalists for the California Leaders in Tech Law and Innovation Awards. The awards celebrate the achievements of lawyers and companies leading technology, innovation and the profession as a whole.

TECH DEAL DEPARTMENT OF THE YEAR LATHAM & WATKINS

FINALIST

Latham & Watkins advised Alliance Data Systems Corp., a data-based provider of marketing and loyalty programs, in its \$4.4 billion sale of its Epsilon Data Management business to Publicis Groupe. The firm represented the lead investors in DoorDash's \$400 million Series F funding round and represented Mellanox, maker of high-performance interconnect technology used in supercomputers, in its \$6.9 billion sale to NVIDIA Corp.

That slate of deals landed Latham a spot as a finalist for the Tech Deal Department of the Year as part of the **California Leaders in Tech Law and Innovation Awards**. Benjamin Potter, the global vice chair of the emerging companies practice



(L to R) Corporate partners Benjamin Potter, Tad Freese, Luke Bergstrom and Kathleen Wells of Latham & Watkins in Northern California.

(Photo: Courtesy Photo)

and co-chair of the technology industry group, recently discussed Latham's "one firm firm" ethos with The Recorder.

The Recorder: What are the distinguishing characteristics of dealmakers that practice at Latham & Watkins?

Benjamin Potter: Each technology company we represent—both established players and emerging companies—entrust us to help guide them through their most difficult challenges, because we bring deep technology experience backed by the

vast resources of our multidisciplinary firm and global platform. Our California lawyers often execute sophisticated and cross-jurisdictional deals by leveraging our deep understanding of the market, regulatory and political environments. Whatever the matter at hand, we assemble the right team across our offices and practice groups—including banking, regulatory, antitrust, M&A, capital markets, data privacy and intellectual property—to deliver practical and innovative solutions seamlessly throughout the life cycle of a technology company. Latham lawyers take a pragmatic, hands-on approach to every engagement and genuinely thrive on collaboration with our clients, which often leads to us developing creative solutions and unique deal structures. For example, our advice to Alliance Data Systems in the sale of its Epsilon Data Management business involved a complex cross-border carve-out transaction that few firms could execute as smoothly as Latham did in that deal.

When a client comes to Latham for representation on a deal, what can they expect?

Latham’s “one firm firm” ethos and collaborative culture ensure that we consistently field client teams that have the right experience and perspective to advance the business goals of our clients. We combine a powerful global platform with the knowledge of a tech boutique to serve a broad

range of clients. No other global law firm has our depth of technology experience, and no other technology firm has the breadth and depth of our practice. As a result, we are able to accommodate all of our client’s needs and excel at handling highly complex, cross-border and cross-jurisdictional transactions. Our clients appreciate and benefit from our ability to provide a full spectrum of deal advice immediately, as well as the capacity to scale up our services in parallel with our clients’ growth needs and legal challenges. For example, Mellanox Technologies is a client that Latham lawyers have represented since its founding at the turn of the century, from its startup financing through a successful IPO in 2007 and its growth into an industry leader and multibillion enterprise that commanded a premium acquisition value.

Anecdotally, I was recently discussing our capabilities with a client who described the criteria the company was using to hire a law firm—such as experience on similar deals, depth of industry and market knowledge, flexibility and collaboration. After reviewing several law firms, the client noted that no other firm had the whole package being sought, and that Latham was “a list of one.” The qualities clients are looking for, from innovative thinking to industry insights, are essential in the dynamic world of technology,

and Latham is especially nimble at identifying business as well as legal issues as they arise and finding creative solutions to address them.

What are the biggest challenges facing your firm in representing tech companies in the current deal climate?

Particularly for our emerging company clients, raising capital is the lifeblood of the company and can present challenges at various stages of growth. We continually work with clients and our contacts in the financial markets to identify opportunities and develop new deal structures. A great example of this is our work on the cutting edge direct listing model, which was recently implemented for offerings by tech companies Spotify and Slack. In those precedent-setting listings and in a range of other matters, we work with our clients to find the approach that is best-suited for their business goals. Latham lawyers take this individualized approach to help all of our clients find success.

Data security and integrity is another issue confronting our clients both large and small on a daily basis—and it affects law firms as well. Virtually every matter we handle involves sensitive information, so protecting it is a high priority for Latham, and we maintain continued vigilance, open communication and innovation to keep our clients and firm safe.