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PREMIUM

Meet the litigator duo at Kirkland & Ellis taking on high-stakes trade secret cases, racking up nearly \$2 billion in verdicts and settlements in the last 18 months

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- Michael De Vries and Adam Alper are two intellectual property partners at Kirkland & Ellis who team up on almost every major case together, taking on litigation to protect companies from competitors stealing their ideas.
- In the past 18 months, De Vries and Alper have racked up nearly \$2 billion in verdicts and settlements, representing clients like Motorola, EagleView Technologies, and TriZetto.
- While it's not uncommon for partners to collaborate on cases, the duo has taken that cooperative model to a new level.
- De Vries and Alper first met while they were at different firms, and quickly noticed they shared the same values and visions for their field. They've since worked together for around 13 years.
- As IP litigation becomes increasingly more high-stakes due to the growing importance of technology and the need to protect businesses' innovations, the pair is likely to be busier than ever.

In late October, Michael De Vries stood behind a plexiglass wall, a HEPA air filter silently at work above him, and addressed seven jury members, who sat several seats apart. They all wore masks, as did De Vries.

It was one of the first in-person civil jury trials held in the Southern District of New York since the beginning of the coronavirus pandemic. During the eight-day trial, Adam Alper, another partner at Kirkland & Ellis' intellectual property practice, had also conducted cross examinations with key witnesses over Zoom.

Despite these peculiar circumstances, De Vries and Alper did what they've done well together for more than 13 years: they won, securing the largest jury verdict of the year and the third largest jury verdict in the history of New York at \$855 million in damages.



KIRKLAND & ELLIS

Michael De Vries and Adam Alper have taken the collaborative model of partners working on cases "to a new level," according to an IP partner at the firm.

The litigator pair uncovered evidence worthy of a courtroom drama: In 2015, Syntel, an information technology solutions provider, had initially sued Kirkland's clients Cognizant and its subsidiary TriZetto, alleging breach of contract. However, De Vries and Alper discovered that Syntel had launched the suit as a cover up — it was the one that had stolen more than 100 of TriZetto's trade secrets and infringed upon its copyrights.

The two partners work "basically on every major case together," De Vries told Business Insider. "We found that it not only maximizes our ability to handle those cases, but also allows us to get broad visibility across a large number of different matters."

While it isn't uncommon for partners to team up on cases, the pair has taken that collaborative model "to a new level," built on "a combination of trust, mutual respect, and intuition with each other's skills and interests," said Greg

Arovas, an IP partner at Kirkland who's worked with both attorneys for more than 13 years.

Together, the duo — referred to, on rare occasions in the past, by the portmanteau De Valper, according to De Vries — takes on trade secret fights for big and small companies against competitors vying for their intellectual property.

"Mike and I have focused our careers on righting those wrongs of stealing ideas," said Alper. "There's a great personal value associated with that, but also one that has a real impact on the business environment. The world shifts when someone is found to be a thief or an intentional copyist."

Intellectual property litigation is becoming more high-stakes with the growing importance of technology

The landmark Syntel v. TriZetto jury trial was just one of three that De Vries and Alper won within the last 18 months, racking up nearly \$2 billion in verdicts and settlements.

In February 2020, the pair helped secure a \$764 million victory for Motorola, proving that Hytera Communications, a competitor based in Shenzhen, China, had stolen thousands of confidential documents and millions of lines of source code. And, in September 2019, aerial imagery company EagleView Technologies was awarded \$125 million after the Kirkland team, which included De Vries and Alper, proved that its business rival had infringed upon its software patents.

These large technology disputes are among the largest civil disputes globally, especially given the value of technological innovation. "The incentives to not play by the rules can be very, very high," said De Vries.

The cases also capture the increasing complexity of intellectual property cases, upping the stakes of De Vries and Alper's work.

"When you pull them apart, you'll find that they involve not only patent rights, but also often trade secret rights and copyright infringement," said De Vries. "It's gratifying for two lawyers who love to go to trial more than any aspect of our practice — it's all we wanted to do since before either of us was in law school, and we get to do it all the time now."

Sci-fi nerds and musicians: how they became interested in IP litigation

Neither De Vries nor Alper grew up in a family of lawyers. De Vries, though, is surrounded by technologists: his dad was a researcher at a pharmaceutical company, and his younger brother is a software engineer at Google.

This sparked De Vries' interest in technology, and he began to form a strong belief in its ability to transform the world.

It was a mock trial in his seventh-grade history class that catalyzed De Vries' desire to become a lawyer. In 2000, he graduated from the Berkeley School of Law, which had a heavy focus on IP litigation, with a certificate in a special program at the school that combined tech and law.

"Intellectual property is a creature of the law," De Vries said. "It's the subject of an agreement between people. Without the rule of law to constrain or monetize the ability to return on investments in ideas, businesses won't innovate."



KARI DE VRIES

De Vries and Alper at a friend's wedding in Santa Monica.

Alper, for his part, joked that his understanding of the legal profession when he was younger came "100% from TV shows growing up." He later landed a gig at a law firm through a high school buddy during his college years at Stanford University. The job mostly consisted of making copies of documents in the basement of the office, which was located in Phoenix, Arizona, and carting large boxes and binders of paper up to the attorneys. Alper nevertheless found the IP cases he'd assisted with "intense and impactful."

That experience, along with the fact that he'd always been a sci-fi nerd (he had a *Star Wars* schematics book in high school) spurred Alper's desire to pursue IP law, which presented the ideal intersection of law and tech. Litigation made sense because he liked being on stage — he'd always been a musician, "but not a very good one," he said.

Alper is currently a guitarist for Kirkland's rock band, named the Strongly Worded Letter, which plays at a charity event once a year. Alper's been trying to convince De Vries to sing in the band.

Musical ambitions among law firms isn't entirely unheard of. Mayer Brown's band is dubbed Unfair Competition, while the MoFonics reps Morrison & Foerster's.

An instant connection during a large patent case — even while working for separate firms

De Vries and Alper first met around 13 years ago, when Wi-LAN, a Canada-based patent licensing firm, sued 22 companies, including Apple, Dell, and Sony, for infringement of its wireless and internet patents in October 2007. At the time, De Vries was at Latham & Watkins, representing Broadcom, while Alper, who was already at Kirkland, represented Intel.

"We quickly noticed that we shared the same values. We both wanted to take our practices to whole new levels, and do it in a creative way that not only brings results for clients, but also impacts the field by coming up with new solutions that ultimately lead to the creation of new laws," said Alper.

Over the four years of litigation, De Vries and Alper became the leaders of the defendant group and began teaming up with each other and their teams.

After the case was settled in their favor in 2011, the two made a plan to get together with their wives in Napa Valley. They made a weekend out of it, booking rooms at the hotel that Alper had gotten married at and visiting wineries.

De Vries joined Alper at Kirkland that same year. Greg Arovas, the IP partner at Kirkland who also worked on the Wi-LAN case, said that he thought De Vries was “so stupendously talented” that they had to see if he was interested in joining them at the firm as soon as the case was over.

The decision ultimately “came about in a very low-key way” after the two chatted about the prospect in Napa. “It just made sense,” said De Vries.

Developing a ‘telepathic’ work style that leverages individual strengths

Once De Vries and Alper were both at the same firm, the two swiftly became a powerhouse litigator pair.

Though De Vries works at Kirkland’s Downtown Los Angeles office and Alper is located in San Francisco, they spend a great deal of time together, driving to and from courthouses over lengthy trials.

“We’re basically telepathic at this point,” Alper said.

Over the years, the two have developed a “seamless” work style, one that takes advantage of individual strengths. Alper, for instance, can take complicated tech and distill it in a way that’s understandable to jurors, according to

De Vries. Alper said that De Vries, whom he contends “is by far the smarter of the two,” is particularly adept at negotiating remedies at the end of a case.

The pair also has very different cross-examination styles: De Vries approaches his witnesses with direct and out-of-the-box questions, per Alper, while, according to De Vries, Alper is often able to elicit startling admissions from witnesses, who sometimes forget that they’re in an adversarial situation thanks to Alper’s “fair” questioning. The two litigators leverage these differences to work as a unit.

“The way that Mike and I handle cases is very rare, where you have two genuine first-chair trial lawyers who act as one,” said Alper. “You get a two-for-one, with greater efficiency and creativity.”

Arovas added that another secret to the pair’s success is that they’re able to take lessons learned from representing defendants to plaintiff’s cases, and vice versa, and so understand the perspectives of either side of a case. “It’s increased the scope of the types of cases they can do,” he said.

Over the more than 13 years of teaming up together, they’ve gotten to know each other well beyond work: Alper is the better dresser, while De Vries sleeps more. The two ate Reuben sandwiches together at every restaurant before De Vries started eating healthily in 2017.

“It’s the friendship that guided our work, rather than the other way around,” said Alper.