

Technology Group Of The Year: Covington & Burling

By Anne Cullen

Law360 (February 3, 2020, 2:34 PM EST) -- It was a blockbuster year for Covington & Burling LLP's technology team, as the group guided Uber through its closely watched \$8.1 billion public offering and snagged a U.S. Supreme Court win that made waves in the patent industry, landing the practice among Law360's 2019 Technology Groups of the Year.

The group, which boasts roughly 300 lawyers working from offices around the world, is a porous practice, according to group chair Kurt Wimmer, and he said that's part of what makes it so successful.

"We don't try to shoehorn people into pre-fit decisions about what the practice should be," Wimmer said. "Every part of the practice at Covington has some relationship to the technology industries, and people in those groups can also be part of the technology practice group."

The team's recent work on Uber Inc.'s massive public offering within the past year exemplifies the value of this commingling, as a key player on the project was New York partner Eric Blanchard, a member of the technology team and vice chair of the firm's capital markets and securities practice.

"The team that we brought for the Uber IPO was large and multidisciplinary," Blanchard said. "We had individuals from across that practice that work with tech companies collaborating on it."

"It wasn't just our little team of securities lawyers," he added. "It was the broader technology group that was brought to bear for the IPO."

As a longtime Covington client, the ride-sharing giant tapped the firm to spearhead the project alongside attorneys from Cooley LLP. And in May, Uber raised \$8.1 billion in the largest U.S. initial public offering in five years and the third-biggest tech IPO ever.

The fact that the broader technology group was contributing to the effort helped ensure all angles were covered, Blanchard said.

Covington's technology team also scored big last year at the Supreme Court for their client Return Mail, after the company's patent for processing unreturned mail was struck down after a challenge from



the U.S. Postal Service.

Covington attorneys convinced the justices to take up the case in late 2018, and the high court ultimately sided with Return Mail in June, reversing the invalidation decision after concluding the government is not a “person” who can challenge patents under federal patent law.

At the helm of the appeal was Beth Brinkmann, a U.S. Department of Justice veteran who also contributes across Covington's practice groups as a member of the technology team as well as co-chair of the firm's appellate practice.

Brinkmann said this fluidity between Covington’s practices strengthened her case, too.

“We got to bring in the expertise on the invention and on patent law, as well as appellate expertise, within the firm to put together that team,” she said.

This porous structure is a significant part of what drew Brinkmann to Covington three years ago after she served as deputy assistant attorney general for the Obama administration.

“There’s just a lot of cross-practice work,” she said, “where we really look out for our clients’ interests and are able to address them in different ways because of the way it’s structured.”

On the transactional side of things, the technology team also had a hand in Johnson Controls’ \$13.2 billion divestiture of its power solutions business to a private equity fund amid the tech and industrial company’s effort to redeploy capital into other areas, including continued growth and innovation in its building solutions' businesses.

Washington, D.C.-based partner Thomas Repke led a team of Covington lawyers around the world on the project, which closed in early 2019 on schedule.

“Getting the power solutions divestiture done and on time was critical to stay on schedule with their growth strategies” Repke said.

Repke also exemplifies the collaborative nature of the firm, as he contributes to the technology team largely through his work within the mergers and acquisitions practice. And he said the talent within the firm, especially in the technology arena, is expanding due to this fluidity across legal fields.

“I think a lot of the reason why we’ve been able to have that growth is because of the culture and the collaborative nature,” he said.

--Editing by Philip Shea.