

Technology Group Of The Year: Wilson Sonsini

By Kelly Knaub

Law360, New York (January 22, 2014, 3:32 PM ET) -- Wilson Sonsini Goodrich & Rosati PC's representation of Google Inc. and YouTube LLC against copyright infringement claims, along with its guidance on high-profile tech deals like Western Digital subsidiary HGST's \$685 million acquisition of Virident Systems, earned the firm a spot among Law360's Technology Practice Groups of the Year.

The firm, which was founded in Silicon Valley more than 50 years ago, represents more than 300 public and 3,000 private companies, ranging from entrepreneurial startups to multibillion-dollar international corporations in the IT, software, clean technology, media and communications industries.

Co-managing partner Douglas Clark told Law360 that Wilson Sonsini's tremendous breadth of experience in technology built over many years is what distinguishes the firm.

"I think it's our 50-plus years of involvement and growth in the tech industry in the U.S. and worldwide that gives us tremendous knowledge and insight into the needs of technology companies across a variety of tech disciplines, ranging from social networking to pharmaceutical companies," Clark said.

Wilson Sonsini represented Google and YouTube in a \$1 billion copyright lawsuit filed by Viacom International Inc., a case that was thrown out by a New York federal judge last April.

U.S. District Judge Louis Stanton had granted summary judgment to YouTube in 2010, but the Second Circuit vacated that decision in 2012 and remanded. Judge Stanton again granted YouTube summary judgment, rejecting Viacom's copyright infringement claims on the grounds that YouTube is protected by the Digital Millennium Copyright Act's safe harbor provision.

In another case, Wilson Sonsini represented YouTube against the Football Association Premier League, the French Tennis Federation and others that claimed that their works had been posted on the Google-owned site without their consent. Judge Stanton denied a motion to certify the proposed class of copyright holders last May, saying that under the DMCA standard — in which plaintiffs would have to prove that YouTube knew of the infringing activity to void the safe harbor provision — allegations of copyright infringement against the video-sharing site were ill-suited for class treatment.

David Kramer, a Wilson Sonsini partner who led the WSGR team in both cases, said that the ruling is likely to influence future cases.

"While most of the focus in the YouTube cases has rightfully been on the application of the Digital Millennium Copyright Act, Judge Stanton's decision rejecting certification of a class action against YouTube is equally deserving of attention," Kramer said. "His detailed opinion is likely to be relied upon by copyright litigants for a long time to come."

The plaintiffs in the Premier League case dismissed their claims with prejudice in November.

Kramer also represented YouTube, along with Justin.tv Inc., against Ark Promotions, which had claimed that third-party users uploaded television footage of an Ark Promotions boxing event onto YouTube and streamed live television footage of the event onto Justin.tv. The company had also alleged that YouTube and Justin.tv induced infringement by creating their websites and, in Justin.tv's case, providing instructions on how to upload videos.

The Western District of North Carolina issued one of the first opinions dismissing a claim for inducement of copyright infringement at the pleadings stage in November 2012. The court also found that the plaintiff's "one sentence allegation" that Justin.tv provides instructions on its website showing users how to stream live video online did not support a facially plausible claim that it was liable for inducement of copyright infringement.

"Inducement claims appear to be the flavor of the month in copyright litigation," Kramer said. "To safeguard a host of legitimate online activity, it is important for courts to use rigor in evaluating and disposing of untenable claims early in a case."

In addition to the firm's high-end litigation work, Wilson Sonsini also stands out for its sophisticated transactional work in the technology industry. Clark said its capital markets team has more experience doing technology IPOs than any other group in the country and that its M&A group achieves more than 80 technology mergers a year.

Wilson Sonsini represented Virident Systems in its \$685 million acquisition by Western Digital subsidiary HGST in October, GoDaddy in its \$70 million acquisition of Locu in August and Trulia in its \$355 million acquisition of Market Leader, also in August, along with many others this past year.

The firm also represented Twitter in its market debut in November — a transaction Clark said the firm "is very proud to have been associated with" — FireEye in its \$303.5 million IPO in September and Cvent in its \$118 million IPO in August, among a plethora of other high-profile IPOs.

In its capital markets work, Wilson Sonsini represented LinkedIn in its \$1.2 billion follow-on offering, Salesforce.com in its \$1 billion offering of convertible senior notes in March, as well as popular movie streaming site Netflix in its \$500 million offering of senior notes last February.

The firm has about 675 attorneys in 10 U.S.-based offices, three offices in China and one in Belgium.

--Additional reporting by Ryan Davis and Bill Donahue. Editing by Jeremy Barker.
All Content © 2003-2014, Portfolio Media, Inc.



Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

650 Page Mill Road, Palo Alto, California 94304-1050
Phone 650-493-9300 | Fax 650-493-6811 | www.wsgr.com