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The Long Haul

The leaders of 18-attorney San Francisco litigation shop Durie Tangri LLP are sorting out how to take their startup to the next level and make it last for future generations.

By Kevin Lee/ Daily Journal Staff Writer

SAN FRANCISCO — More than four years after its founding by a group of friends from UC Berkeley School of Law, litigation boutique Durie Tangri LLP has gained a reputation for representing prominent California-based companies in significant lawsuits around the country.

Much of that sterling record of achievement comes from its lawyers' willingness to be hands-on in all phases of client matters.

"We have to get a little grubbier in terms of the doing of the work," firm founding partner Daralyn Durie said. "Part of being in a smaller firm is that you can't really say, 'I don't do windows.' The windows need washing? Gotta go wash them."

The firm's practices focus on business litigation with a strong slant toward intellectual property work, including patent infringement cases and copyright and trademark disputes.

Durie was a rising intellectual property star at respected San Francisco firm Kecker & Van Nest LLP before she and a handful of practice colleagues, including Ragesh K. Tangri and Mark A. Lemley, left the firm in 2009 to launch the boutique. Joining them were two more former Kecker partners, Clement S. Roberts and Ryan M. Kent.

The close bond between the lawyers helped when the firm opened in the midst of a recession. And later, fellow law school classmates Michael H. Page and David F. McGowan, a professor at the University of San Diego School of Law, also joined the firm.

"We were lucky to have a core group of the senior partners that all went to law school together," Durie said. "We had the benefit of having a group of people who were pretty like-minded, who we knew all enjoyed working together and thought it would be fun to do that in a slightly more intimate setting."

With other strategic additions, the firm now stands at 10 partners and eight associates. Durie and Tangri, who are also romantic partners, oversee firm strategy alongside managing partner Johanna Calabria, whom the name partners singled out as being instrumental to getting the firm established.

Now, having tripled in headcount since its launch, Durie Tangri faces its next big obstacle.

"The challenge is going to be managing growth to make sure we're keeping



Sam Attal / Special to the Daily Journal

From left, Durie Tangri LLP partners Joseph C. Gratz, Daralyn J. Durie, Ragesh K. Tangri and Michael H. Page.

our clients happy while not losing the collegial spirit that comes with the firm or the quality control that we've been able to maintain," Lemley said. "Things that I would never expect to happen are us merging with a big firm and us opening branch offices. There's a difference between 80 lawyers and 18."

Tangri said the firm's surprising growth presents challenges of how to manage workloads and delegate tasks for its attorneys.

"Within the management side of things, we spend as much time thinking about that problem and the problem of rate of growth and trying to attract people with whom you want to grow, because you don't want to hire just anyone," Tangri said.

One reason for the firm's expansion is its lawyers' steady work for major technology and biotech companies. Durie is currently serving as lead trial lawyer in lawsuits involving Roche Holding AG subsidiary Genentech Inc., Google Inc., LinkedIn Corp. and Twitter Inc. in venues across the country.

Durie recently defended San Francisco-based consumer review website Yelp Inc. in a patent infringement complaint filed by Delaware-based EIT Holdings LLC. She won summary judgment for invalidity in the Northern District in 2011, then successfully defended the judgment before the U.S. Court of Appeals for the Federal Circuit last year. *EIT Holdings LLC v. Yelp Inc.*, 12-1192 (Fed. Cir., filed Oct. 9, 2012).

The rulings resulted in the dismissal of similar lawsuits EIT had filed against six other Internet companies, including LinkedIn, Netflix Inc. and Ticketmaster Entertainment Inc.

Netflix associate general counsel of litigation and regulatory affairs Hilary E. Ware said that during the EIT litigation, Durie managed to juggle the concerns of her multiple clients in a cost-effective manner.

"That's an example of the creative lawyering that I expected and appreciated," Ware said. "We were all on joint case conference calls and joint defense calls. Yelp was in the lead for a variety of reasons but she had to coordinate on claim construction and case strategy with all of us."

Ware's relationship with Durie goes back to when Ware was in-house litigation counsel at Google and Durie, then at Kecker, was one of the search giant's outside counsel.

Ware said one of Durie Tangri's strong points is its willingness to work on alternative billing arrangements, including capped fees distributed at certain points in lawsuits, discounts and flat fees on appeals.

The firm has a threadbare, client-oriented system on tracking lawyers' billable hours, Tangri said.

"We don't track hours for anything other than client-chargeable work," he said. "We don't track hours for business development, we don't track hours for

firm management, we don't track hours for associate recruiting or anything like that."

The firm has yet to make a lateral partner hire from outside the partners' network of law school classmates and former Kecker colleagues. But it has opened the door for lateral associate hires. Six of the firm's eight associates worked at large law firms before arriving at Durie Tangri; four of those associates came directly from Quinn Emanuel Urquhart & Sullivan LLP.

Jesse Geraci, one of the Quinn Emanuel transplants, said it took a short time to adjust to his current colleagues.

"The first few weeks were really odd and sort of overwhelming for me. I was basically coming in as an outsider into a very close-knit group of people who got along really well," he said. "There were inside jokes and they would pal around. There was an energy there that I wasn't part of yet, and that went away within a week or two. I was brought right into the fold."

Geraci is now working under Sonali Maitra, the firm's most senior associate, as they prepare for an August jury trial in federal court in San Antonio, Texas.

"The firm's partners are allowing me, with, of course, the client's blessing, to be lead trial counsel for a trial that is going to be at least six days on a number of complex issues," Maitra said. "[Daralyn] said it was the right kind of case for me to handle."

Maitra and Geraci said associate autonomy at Durie Tangri extends to presenting pitches to potential clients, contributing insights at client calls and organizing discussion points at firm retreats.

The firms will welcome a new associate this fall. Lemley recruited Michael Feldman, a Stanford Law School alum who graduated in 2011. Feldman is currently clerking for the federal judiciary in the District of Massachusetts.

With a growing pool of young lawyers, Durie said that the firm that started as an entrepreneurial endeavor is now looking toward its long-term future.

"There's a period of time when you start an enterprise where everyone is excited and you've got a startup mentality," she said. "So we're now thinking about how to make it sustainable in the long run, making sure that people are getting what they need in the overall package. A lot of our lawyers have little kids... We want this to be a place where people can spend their careers."