

Rising Star: Kecker Van Nest's Matan Shacham

By **Clarice Silber**

Law360 (July 8, 2021, 3:58 PM EDT) -- Matan Shacham of Kecker Van Nest & Peters has defended businesses, executives and individuals in high-stakes civil litigation cases across the telecommunications sphere, including Qualcomm in a key antitrust case brought by the Federal Trade Commission, earning him a spot among the telecommunications lawyers under age 40 honored by Law360 as Rising Stars.

HIS MOST INTERESTING RECENT CASE:

In 2019, the FTC targeted Qualcomm's practice of not providing rival chipmakers with licenses to its standard essential patents, or SEPs, covering current cellular technology and instead only licensing cellphone manufacturers, despite obligations to license SEPs on fair and nondiscriminatory terms. It also implicated the company's "no license, no chips" policy, which requires customers to license Qualcomm's patents in order to buy chips even from competitors, as well as exclusive supply contracts with Apple and other manufacturers.

U.S. District Judge Lucy Koh sided with the FTC on those claims in May 2019, but a Ninth Circuit panel reversed the ruling in August 2020 and refused a rehearing in October.

Shacham said that case and another related class action that is still ongoing have been the most interesting he's worked on recently. He added that the FTC case was one of the most important antitrust trials in decades because of the potential effect it could have on the telecom industry.

"So that case could have had just huge implications for my client's business, if the FTC had ultimately prevailed. And it could have had big effects on the market as well, given how important Qualcomm is in this ecosystem overall," Shacham said.

Shacham said he was involved in building the factual record for class certification and writing Qualcomm's opposition to it in the class action, which the Ninth Circuit is currently reviewing.



Matan Shacham
Keker Van Nest

Age: 38

Home base: San Francisco

Position: Partner

Law school: Harvard Law School

First job out of law school:

Clerked for Judge Sandra Lynch in
the First Circuit Court of Appeals

HIS PROUDEST MOMENT AS AN ATTORNEY:

Shacham said while he is proud of his work on the Qualcomm cases, his proudest moment as an attorney was on a smaller case in 2014 in which he represented the former chairman of a biotech startup that tried to develop and commercialize an islet-cell suspension treatment for people with insulin-dependent diabetes.

Shacham said the company went belly up during the Great Recession, and the suit was brought against the executive by the company's former CEO and certain shareholders.

"For my client it was really a no-good-deed-goes-unpunished situation. I really believe that he invested a lot of time and money and effort in trying to build this company and get a good result — the company was trying to do important things in curing diabetes," Shacham said. "But then he got rewarded for that with this lawsuit, which turned into quite a fight."

Shacham said he hoped to get summary judgment from the moment he started working on the case, and he and his team were focused on that throughout discovery, deposition and motion practice "all to sort of angle the case into that corner."

Shacham was eventually able to secure a win for his client on summary judgment and get him out of the case before it went to trial. Shacham said that the final ruling came out on the court's website on a Saturday morning.

"I was able to call my client and tell him, 'It's over, you won, it's done,' and that was just a really proud moment for me," Shacham said. "I was just very [glad] to be able to achieve that result for my client."

WHAT MOTIVATES HIM:

Motivation comes from several factors for Shacham — a love for trial and being in court before a judge and jury, and through winning for clients and the intellectual challenge that comes with the job.

Shacham described being on your feet in court as "the purest expression of litigation. It's sort of what everything drives toward."

Shacham, who grew up wanting to be a concert violinist, also loves the performative aspect that comes with litigation in court.

"I love winning for my clients. I find it really rewarding and motivating to help my clients. I get to solve problems so that they can go and do the great things that they do ... and do more important things," Shacham said.

He said he also loves the intellectual challenge that comes with his work, including solving complicated puzzles and learning new things every day.

"And not just in sort of new things in the law, but about what it is my clients are doing," Shacham said. "I have a pretty varied practice, not just in sort of telecommunications related cases, but in lots of other areas, and it means you learn something new every day."

HOW HE THINKS THE LEGAL INDUSTRY WILL CHANGE IN THE NEXT 10 YEARS:

Shacham said the past year has caused the legal industry to adapt in remarkable ways very quickly.

He said that doing court hearings over Zoom on a regular basis is something that no one really would have imagined a few years ago, but today there are even trials occurring on online platforms.

"I imagine there will be some regression back to normal, but there will have to be lasting effects there as well," Shacham said. "Things are going to be more digitized and have to be if that's the case.

While Shacham wants things to go back to in-person work for several reasons, he is on board with showing exhibits digitally and leaving the photocopying behind.

But he doesn't think there will ever be a replacement for in-person trials.

"I think the essence of trial is still standing up in front of a jury that I just don't think can be replaced ... but there's also ways of doing hearings remotely or doing depositions remotely. It's a new and different skill, and it's something that we have to adjust to and learn to do as lawyers," Shacham said. "So if there're things that you do in person that are effective, you have to find a way to adapt and to translate those when you're over a computer, and it's something we're all in the process of learning."

— *As told to Clarice Silber*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.