

# THE RECORDER

## Tech Industry Litigation Department of the Year Finalist: Kekер Van Nest & Peters

By ALM Staff

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**K**eker Van Nest & Peters is among the finalists for The Recorder's 2025 Tech Industry Litigation Department of the Year award. Read our Q&A with the firm.

**What do you see as your team's most significant achievements over the past year?**

Keker, Van Nest & Peters has successfully defended the world's leading technology companies in privacy and data use cases this year. Our victory for Google in Hammerling before the Ninth Circuit created new law that substantiates the power of a company's privacy policies and terms of service, and we helped Google reach a unique cy pres settlement where nearly 250 million people challenged its geolocation tracking practices.

We shielded Western Digital from significant claims following a destructive hack of external hard drives, and we successfully defended X Corp. after rogue Twitter employees improperly accessed account information while acting as covert operatives for the Saudi Arabian government.

More broadly in 2024, the firm had a banner year for wins at trial. We took eight cases to trial or arbitration, and we got outstanding results. Our trial teams beat back two cases where clients faced billion-dollar patent infringement claims – one for Google and one for Dexcom. We scored a

The image shows a large, modern office sign for Kekер Van Nest & Peters. The sign is mounted on a wall and features the firm's name in a bold, sans-serif font. The words "KEKER" and "VAN NEST" are in black, while "& PETERS" is in a green color. The sign is flanked by two horizontal green bars.

KEKER  
VAN NEST  
& PETERS

**Keker Van Nest & Peters's office sign.**

decisive bench trial win for Sutter Health, defeating a whistleblower's \$500+ million fraud claims. We won a complete defense verdict for cybersecurity company Fortinet in Santa Clara Superior court, and then defeated a copyright and contract case for Real Intent in federal court.

Looking ahead, our docket is equally impressive. We helped OSU and WSU win control of the Pac-12 and continue to represent them in anti-trust litigation to rebuild the conference.

We are leading OpenAI's trial strategy against a series of federal copyright lawsuits that will establish the boundaries of fair use as applied to

generative AI products such as ChatGPT. We are defending Netflix in patent litigation with Broadcom, where our team has invalidated 13 patents to date, and we won a summary judgment that eliminated more than 85% of the damages in one of the cases. We are defending Bay Area-based Avia Games against users' claims that they were misled into playing against 'bots.' We are representing streaming-platform Roku in a licensing dispute with Dolby Laboratories, and have moved to dismiss those claims. And finally, we are preparing to defend Qualcomm at trial against patent infringement claims brought by ParkerVision.

**What does your firm look for when hiring a litigator?**

Keker, Van Nest & Peters looks for lawyers who are smart, creative, ambitious, and resilient—qualities essential for navigating the complex and high-stakes cases we handle. We look for law students, post-clerkship associates and lateral associates with entrepreneurial spirits who take ownership of their work and want to actively contribute to the broader success of our firm. Our litigators are not merely expected to produce excellent legal work; they are also encouraged to build relationships, contribute to firmwide committees, and take an active role in shaping Keker's future. We invest in our people, support one another through challenges, and celebrate our collective successes.

**What do you see as your firm's competitive advantage compared to other firms when a client considers you for representation on a piece of litigation?**

Keker, Van Nest & Peters is a litigation powerhouse with 140 lawyers in the Bay Area—the center of the nation's tech sector. We operate with one clear objective: Take tough cases and reach the best outcomes for our clients. Our unique structure—characterized by a low associate-to-partner ratio, broad legal expertise and a singular equity partnership—helps set us apart.

Trial-focused. From the outset of a representation, we ensure that our client's cases are positioned for victory at trial. Of course, not every case should be tried, and we optimize for victory at earlier stages of a case (e.g., summary judgment, pleadings wins, or early settlement). But our extensive trial experience allows us to shape a case early on to ensure that our clients are positioned well for trial or settlement.

Low leverage. We maintain a low associate-to-partner ratio, and we do not staff cases with extraneous associates as a training exercise. Our cases receive significant partner attention compared to competitor firms, and our associates often have higher quality experience than their industry peers.

No defined practice groups. Lawyers at Keker have robust knowledge of myriad areas of law and adapt easily to serve companies with emerging technologies, such as generative AI, digital currency, internet law, autonomous vehicles, the sharing economy and life sciences.

Diversity as a strategic advantage. Our trial teams make better decisions with a wide variety of decision-makers and perspectives, and diverse teams are more reflective of modern jury pools. It is a key priority of our firm to continue to focus on recruiting and retaining underrepresented lawyers.

**How is the business of litigation changing, and how are you adapting to those changes?**

It is hard, if not impossible, to predict the future, but clearly artificial intelligence tools are changing how we work. For trial firms like Keker, we expect to use the tools for data and document analysis, legal and factual research, and probably for some of the drafting of routine papers like objections and responses to discovery. However, we don't think AI will drastically change the majority of the work we do. Our lawyers' good judgment and experience will continue to have the final say in strategy and decision-making.