

Icon Of IP: Irell & Manella's Morgan Chu

By Vin Gurrieri

Law360, New York (February 19, 2016, 8:42 PM ET) -- Although Irell &



Manella LLP partner Morgan Chu has won the largest-ever verdict affirmed by a California appellate court and helped clients in intellectual property cases recover more than \$5 billion during his nearly four-decade-long career, his path to becoming one of the nation's foremost patent lawyers was not as straightforward as one might imagine.



Morgan Chu

Even though the Los Angeles-based Chu holds five degrees, including a law degree from Harvard Law School, a master's from Yale, and a doctorate from UCLA, one degree that Chu doesn't actually possess is a high school diploma.

Chu says he left high school before graduation to travel after he decided he "wasn't really learning that much," a decision that "went over horribly" with his family, teachers and guidance counselors.

When Chu later tried to get himself admitted into UCLA, he got turned down on multiple occasions because the school required the diploma he didn't have. But Chu eventually sweet-talked UCLA into giving him a chance.

"They probably thought they were making a big mistake," Chu says jokingly. "One of the nice things about being young is that you can make a decision that everyone thinks is foolish and still have it work out."

After making it through college and earning his law degree in 1976, Chu also received a stroke of good luck that guided his career in patent law.

He joined Irell as an associate in 1977, and soon after was requested by Mattel Inc. to helm a patent dispute with famed inventor Gilbert Hyatt after the company's outside counsel had been disqualified because of a conflict of interest.

Irell flatly declined, telling the company, "Morgan doesn't know anything about patent law and the firm doesn't know anything about patent law," Chu recounted.

But the company's in-house counsel persisted, saying its internal department was knowledgeable about the issues involved in the case and that it would hire outside consultants to handle the details regarding the technology.

The firm ultimately acquiesced and let Chu take the case, leading the young attorney to go out and teach patent law to himself by reading a treatise and other books he happened to pick up. Nine months later, when the case made it to trial, Chu realized he had never actually seen a trial before, except on TV.

"I didn't know where to stand, I'd never thought of that detail," Chu says. "The only exposure I had to trials had been watching 'Perry Mason.' But we were lucky enough to win."

The case essentially launched not only Chu's career specializing in patent law but also Irell's intellectual property practice, which Chu says they "built internally from the ground up" at a time when IP litigation was not something most firms offered.

In ensuing years, Chu racked up a series of high-profile victories representing both plaintiffs and defendants in patent cases. Two cases in particular involved intricate technology and showcased Chu's talents as a patent lawyer.

In one of those cases, Chu represented the City of Hope National Medical Center, a leading cancer and diabetes research center, in a royalty suit against Genentech Inc. The case resulted in Genentech ultimately paying out more than \$565 million — with the jury's verdict in the case being the largest damage award ever affirmed by California state courts when it was unanimously upheld by the California Supreme Court in 2008.

Calling the City of Hope National Medical Center a "special place," Chu says the best part of handling the matter was that "the people we were representing were pushing the frontiers of science."

In another of his landmark successes, Chu helped TiVo Inc. recover a combined \$1.6 billion in verdicts and settlements in a series of suits accusing EchoStar Corp. and other companies of flouting TiVo's "time warp" digital video recorder patent.

"However gratifying [winning a case] must be for them, it's equally gratifying for us when we can help them," Chu says of his clients, like City of Hope and TiVo. "We're partners with them in their development."

While also maintaining a thriving practice, Chu found time to take on numerous leadership roles at the firm, including acting as co-managing partner for two three-year terms beginning in 1997.

Irell partner Jonathan Kagan, who has long served with Chu on the firm's executive committee and worked alongside him in numerous trials, says of his colleague that "no one else comes close" to the quality of his trial work.

"I've worked with him since I was a summer associate," Kagan says. "He's hands down the best trial lawyer I've ever seen."

In particular, Kagan highlighted two talents that set Chu apart from the pack: his level of preparation and his knack for connecting with juries.

“He learns things to the most minute details, including things you would never think would come up,” Kagan says. “His mind is amazing in the amount of information it can hold and his ability to communicate complicated concepts to a jury is unparalleled.”

Those qualities along with Chu’s leadership ability were also cited as factors in his success by Irell’s current managing partner, Andrei Iancu.

“He can take complex matters and teach them to a jury or the judge [so they] understand the technical and legal issues,” Iancu says. “He knows more about the facts and the law than anyone else in the courtroom.”

But more than anything, Iancu shined a spotlight on Chu’s great enjoyment for his work — an attitude that is infectious.

“The closer we get to a trial, the more fun he has,” Iancu says of Chu. “He has a joy for the practice that I rarely see.”

Chu, though, is quick to deflect such praise, saying his own successes are due in large part to the work of his colleagues, whose collaboration he likens to that of a sports team.

“You can have a team of stars — and sometimes you want stars — but it’s the blue collar teams that play well together that win championships,” Chu says. “We work well together as a team.”

The son of parents who emigrated from China in the 1940s, Chu says he “felt very lucky” that he received the upbringing he did, noting that only two of his father’s 10 siblings and none of his mother’s four siblings came to the U.S.

Growing up, Chu shared a home with his brothers Steven Chu, who went on to win the Nobel Prize in Physics in 1997 and serve as President Barack Obama’s secretary of energy for four years beginning in 2009, as well as Gilbert Chu, an oncology professor at Stanford University School of Medicine.

Morgan, the youngest of the trio, says he doesn’t know why he and his siblings were able to reach the levels of success that they achieved.

“I didn’t have a tiger mom or a tiger dad,” he says. “Plenty of times I didn’t do my homework or got in trouble. And it was the same for my brothers.”

Chu says his parents made sure they had an appreciation for his Chinese culture and heritage — speaking Chinese in the home and sending them to Chinese school programs after their regular school day.

Speaking about his younger brother, Steven Chu says that he is not only smart but also “very savvy” in reading people and their body language “to figure out where they’re coming from” — qualities that often help him in the courtroom.

He notes that while at UCLA, his younger brother was one of the few undergraduates who had been invited to play in what he called “a big-time poker group” that included professors and others.

“The idea that an undergraduate can be in a big roller game ... reflects an ability to pick up subtle hints

and profit from it," Steven Chu says.

But ultimately, he says, while he and Morgan were the more rebellious of the brothers, they all benefited from the high expectations that were placed on them.

"What we did learn from our parents was the importance of learning and, while I'm sure genetics were involved as well, [strong] work habits," Steven Chu says.

After nearly 40 years of accomplishments in the legal field, Morgan Chu is showing no signs of slowing down, but he does take pride these days in providing opportunities to the younger attorneys he works with and giving them a chance to take speaking roles during trials.

One such instance was during a recent trial in which the veteran litigator helped the Wisconsin Alumni Research Foundation, which manages patents for the University of Wisconsin — Madison, win a \$234 million verdict from Apple Inc. after a jury found the tech giant flouted a computer process patent.

"I take pride in watching younger attorneys perform wonderfully at trial," he says. "I pick the brains of our newest lawyers, senior associates and junior partners for their ideas. I don't think there is any monopoly on good ideas based on chronological age."

Michael Falk, WARF's general counsel, says Chu "exuded a sense that he's credible and confident" in the courtroom, a style that juries appreciate.

"He's got a relaxed and comfortable demeanor and is generous in including more junior associates [in a trial]," Falk says. "When you look at a jury, you can see who they are paying attention to and they follow him. He's the real deal."

--Editing by Jeremy Barker and Kelly Duncan.

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