Farella Braun + Martel

Alex Reese

Partner

areese@fbm.com
San Francisco: 415.954.4914

Alex Reese is the chair of Farella's Litigation Department and has a diverse litigation practice with significant expertise in disputes involving technology and issues of unfair competition. He has helped clients with pre-litigation counseling and alternative dispute resolution, and he has litigated cases through trial and appeal in matters involving trade secrets, antitrust and unfair competition, copyright infringement, and liability relating to web scraping, employee mobility and non-competition agreements, patent infringement, consumer confusion, and more.

Alex frequently represents both plaintiffs and defendants. As plaintiff's counsel, he has helped to recover more than $1 billion for his clients through settlements, jury verdicts, and arbitration awards. Alex's clients include small companies and Fortune 100 companies in a wide range of industries, including software companies, Internet search and networking device providers, mobile device makers, national retailers, biotechnology companies, and more.

His notable engagements have included:

- Winning a multimillion-dollar verdict after a six-week trade secrets trial in the Northern District of California. Alex was an integral member of the trial team and handled the direct and cross examinations of several key witnesses. Learn more about this case here.
- Obtaining the largest antitrust settlement in California state court history on behalf of a certified class of California companies in a case against healthcare giant Sutter Health for its anticompetitive conduct that has resulted in decades of hospital overcharges. Alex was instrumental in preparing the case and litigating it through summary judgment and jury selection with a large team at Farella, co-counsel, and the California Attorney General's office. Learn more about this case here.
- Winning a $29 million award, including attorneys' fees, in an arbitration on behalf of a director of a venture capital firm in claims against the firm regarding the value of his ownership stake, the enforceability of non-compete agreements, and his right to vested carry.
- Representing more than a dozen clients involved in web scraping in a range of matters, including defending copyright infringement and Computer Fraud and Abuse Act lawsuits, counseling clients on scraping-related liability, and helping companies restructure to address scraping risks. Learn more about the firm's groundbreaking representation of data scraping company hiQ Labs here.
- Representing companies and employees in venture capital, agricultural, and other industries in pre-litigation dispute resolution and litigation on employee exits, enforceability of non-compete agreements, and duty of loyalty claims.
- Representing companies of all sizes and individuals in complex copyright disputes. One notable engagement included obtaining reversal of a partial summary judgment ruling on behalf of two creators of a role-playing game in a Ninth Circuit appeal involving claims of trademark and copyright infringement, breach of contract, and business torts.
- Winning a complete victory at summary judgment on behalf of a leading e-commerce company in a suit involving breach of contract, antitrust violations, and defamation in the Western District of Washington.

Alex is a member of the Sedona Conference drafting committee on trade secrets issues. He publishes and speaks regularly on web scraping topics, including risks relating to copyright infringement and Computer Fraud and Abuse Act claims. He is a past board member and president of several Bay Area legal services and nonprofit organizations and an active member of the Bar Association of San Francisco's intellectual property and antitrust sections.

Services

- Business Litigation
- Intellectual Property
- Patent Litigation
- Copyright
- Appellate Litigation
- Data Analytics
- Privacy and Cybersecurity
- Private Equity and Venture Capital
- Private Client
- Technology
- Antitrust

Education

- Stanford University (J.D., 2011)
  - Projects Editor, Stanford Law Review
- University of San Francisco (M.A., 2005)
- Pomona College (B.A., 2003)

Bar Admissions

- California

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Experience

Networking and Cybersecurity Solutions Company Patent Infringement Lawsuit

Represented a multinational networking and cybersecurity solutions company in a 6-patent infringement lawsuit in the Western District of Texas and in the related IPR proceedings. The lawsuit accused a broad range of data center-related technology, including routers, switches, firewall devices, and the company's operating system of infringement. The matter resolved with a settlement favorable for our client.

BladeRoom v. Facebook and Emerson

After a five-week jury trial before the U.S. District Court for the Northern District of California, our team won for UK-based BladeRoom a $30 million verdict against global manufacturing giant Emerson for willful and malicious misappropriation of trade secrets and breach of a non-disclosure agreement relating to BladeRoom's revolutionary new methodology for constructing warehouse-sized data centers. The Daily Journal named this one of the "Top Verdicts" in California in 2018. The Court subsequently awarded BladeRoom an additional $30 million in exemplary damages and $17 million in prejudgment interest, for a total judgement exceeding $77 million. Our client settled with Facebook after the first week of trial.

hiQ Labs Inc. v. LinkedIn Corp.

Represented startup hiQ Labs Inc. in a precedent-setting litigation for data analytics, mining, and aggregator companies and their right to access publicly available data under the Digital Millennium Copyright Act, the Computer Fraud and Abuse Act (CFAA), and a California state law on unauthorized computer access. The Ninth Circuit Court of Appeals affirmed hiQ's preliminary injunction against LinkedIn.

Purple Leaf v. Google, Inc.

Defended Google Checkout in the Eastern District of Texas against assertions that it infringed a patent owned by Purple Leaf that purportedly disclosed a way to conduct an online transaction directly between merchant and buyer. After initial pleadings, we were able to attain a dismissal of the claims against Google.

Publications

January 29, 2024
Major Decision Affects Law of Scraping and Online Data Collection, Meta Platforms v. Bright Data

December 22, 2022
What Recent Rulings in 'hiQ v. LinkedIn' and Other Cases Say About the Legality of Data Scraping
The Recorder

November 2, 2022
Technology Platforms and Developments in Antitrust Law

May 23, 2022
7 Tips to Help Financial Advisor Firms Protect Their Customer Lists
Wealth Management

May 13, 2022
Litigation Trends In the Private Equity and Venture Capital Space
Upside

May 24, 2021
What to Know About Taking a Data Center Company Public Through a SPAC

Data Center Knowledge

May 7, 2021
Turmoil in the SPAC Market: What Private Tech Companies Should Consider Before Going Public Via a SPAC
TechCrunch / Extra Crunch

July 13, 2020
How Antitrust and Unfair Competition Laws Affect Platform Providers' Relationships With ISVs, API Developers, and Scrapers
Legaltech News

June 22, 2020
Monetizing University Patent Portfolios During the Economic Downturn
University Business

June 8, 2020
Tech Companies Should Strongly Consider Monetizing Their Patent Portfolios During the Economic Downturn
IP Watchdog

May 18, 2020
Protecting Your Internal Intellectual Property Investigation: Privilege and Work Product Under California and Federal Law
Law360

April 30, 2020
Tips for Efficiently Managing New Trade Secret Risks Created by Shelter-In-Place Restrictions and Remote Working

April 10, 2020
Data Centers Are "Critical Infrastructure," and That May Help Mitigate Business Impacts From COVID-19

June 13, 2019
What California's New Security Law Means to Your Business

April 4, 2019
Who 'Owns' a Secret? Whether Trade Secret Licensees Have Standing to Sue in California
The Recorder

11/12/2015
ITC Has No Jurisdiction to Block Infringing "Electronic Transmissions"

6/27/2014
Claim Construction: How Should the Supreme Court Weigh In?

4/24/2013
Employee and Inventor Witnesses in Patent Trials: The Blurry Line Between Expert and Lay Testimony

1/10/2013
Justice Department and Patent Office Issue "Policy Statement" Regarding Remedies for Standards-Essential Patents

11/28/2012
Northern District of California Issues New Guidelines and Model Order on E-Discovery

11/26/2012

Insurance Coverage Against Patent Infringement Suits by Non-Practicing Entities

Outside the Office

Alex has two primary outside interests—trying, and failing, to keep up with his toddler twins, and politics. He's organized meet-and-greet and fundraising events for candidates for local, state, and national office, and he previously worked on Capitol Hill as the press secretary for U.S. Senator Jeanne Shaheen.