

Partner, Palo Alto

Intellectual Property and Technology; Cybersecurity and Privacy



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## Education

J.D., University of Arizona College of Law, 2009 (*summa cum laude*; Order of the Coif; *Arizona Law Review*)

B.A., Northwestern University (Integrated Sciences and Mathematics), 2001

## Bar Admissions

California  
U.S. Patent and Trademark Office

## Publications

"The Data in the Details: Issues to Consider in AI," *Daily Journal*, April 17, 2019

"Patent Monetization and Valuation," *Practical Law The Journal | Transactions & Business*, September 2014

"Reactive and Nonreactive Quenching of OH(A<sub>2</sub>Σ<sup>+</sup>) in Collisions with H Atoms," *Journal of Physical Chemistry* (2001)

## Languages

Japanese

Ken Kumayama concentrates his practice on transactional matters in intellectual property and technology and privacy. He is fluent in Japanese and worked for more than four years in Japan, both as an attorney at a Japanese law firm and for a Japanese company. Mr. Kumayama was recognized in *The Daily Journal* as one of California's Top Artificial Intelligence Lawyers in 2019.

He represents clients in a range of technology and commercial transactions relating to the ownership, protection and exploitation of intellectual property, including IP monetization strategies, development and license agreements, co-development agreements, pharmaceutical collaboration agreements, patent and other technology license agreements, trademark and copyright license agreements, and patent and other intellectual property asset sales and acquisitions. He also counsels clients in a broad range of industries on privacy-related matters.

In addition to his transactional work, Mr. Kumayama has experience in many other types of patent- and IP-related matters, including investigating and rendering freedom-to-operate, validity and non-infringement opinions; engaging in patent landscape analyses and assessing patent infringement risk; evaluating the strength of, and encumbrances on, patent portfolios; and counseling clients on patent and other strategic IP issues. He is a thought leader in patent analytics and regularly presents on the topic. He also regularly speaks on topics such as patent acquisition and M&A due diligence. Mr. Kumayama's pre-law studies and academic research included theoretical chemistry, geophysics and bioinformatics, requiring a comprehensive knowledge of mathematics, computer programming, and the sciences. He has written about patent monetization and Internet privacy issues and has spoken, in Japanese and English, on topics such as trends in e-discovery and patent exhaustion.

Significant matters that Mr. Kumayama has been involved in include:

## Semiconductors

- Intel Corporation in its \$15.3 billion acquisition of Mobileye, N.V., its \$4.2 billion spin-off and joint venture with TPG Capital, L.P. to form the independent cybersecurity company McAfee, its spin-off of its Wind River subsidiary to TPG Capital, L.P. and its sale of a majority of its smartphone business to Apple for \$1 billion;
- NXP Semiconductors N.V. in its wholly owned subsidiary's \$1.76 billion acquisition of Marvell Technology Group Ltd.'s Wi-Fi and Bluetooth connectivity assets;
- Broadcom Corp. in numerous transactions, including its \$37 billion sale to Avago Technologies Ltd.; its \$164 million acquisition of the wireless modem business of Renesas Electronics Corp.; its \$195 million acquisition of BroadLight, Inc.; its \$3.7 billion acquisition of NetLogic Microsystems, Inc.; and in various inbound and outbound technology license agreements;
- Xperi Corporation in its \$3 billion merger of equals with TiVo Corporation and Tessera Technologies, Inc. (now Xperi) in its \$850 million acquisition of DTS, Inc.;
- Western Digital Corporation in its data storage and solutions joint venture with Unisplendour Corporation Limited to market and sell Western Digital's datacenter storage systems in China;
- Cavium, Inc. in its \$1.4 billion acquisition of QLogic Corp. and its \$6 billion acquisition by Marvell Technology Group Ltd.; and
- Cadence Design Systems Inc. in its \$170 million acquisition of Jasper Design Automation, Inc.

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## High Tech/Internet

- Zayo Group Holdings, Inc. in its sale of zColo, including certain U.S. and European data center assets, to DataBank Holdings, Ltd.;
- DoorDash in its \$410 million acquisition of Caviar from Square;
- Silver Lake Partners in its acquisition of a majority stake in ServiceMax, Inc. from GE Digital LLC;
- F5 Networks, Inc. in its \$1 billion acquisition of Shape Security, Inc.;
- Didi Chuxing (Hangzhou Kuaizhi Technology Co., Ltd.) (China) in a strategic software license agreement, and in its acquisition of UberChina from Uber Technologies Inc. The UberChina transaction was named one of *China Business Law Journal's* 2016 Deals of the Year;
- Bytedance Ltd. in its multibillion-dollar fundraising and acquisition of Musical.ly;
- Apex Technology Co., Ltd. in its \$4 billion acquisition of Lexmark International Inc.;
- Samsung Electronics Co., Ltd. in its acquisition of LoopPay, Inc., a mobile payments company;
- XIO Group (Hong Kong) in its \$1.1 billion acquisition of J.D. Power and Associates, Inc. from McGraw Hill Financial, Inc.;
- Carbonite in its \$1.45 billion sale to OpenText and its \$618.5 million acquisition of Webroot;
- Permira Advisers, a U.K.-based private equity fund, in its \$455 million acquisition of Renaissance Learning, Inc., a K-12 assessment and learning analytics company, and its subsequent sale thereof for \$1.1 billion; and
- NDS Group Ltd. and its owners, Permira Funds and News Corp., in its \$5 billion sale to Cisco Systems, Inc.

## Life Sciences

- Livongo Health in its pending \$18.5 billion sale to Teladoc;
- Stryker Corp. in its pending acquisition of Wright Medical Group for \$4 billion;
- Alder BioPharmaceuticals Inc. in its sale to Lundbeck for up to \$1.95 billion;
- Array BioPharma, Inc. in its \$11.4 billion sale to Pfizer;
- Danaher Corporation in the carve-out of its dental supplies unit into a separate publicly traded company called Envista Holdings Corporation via a \$589 million initial public offering of common stock;

- Otsuka Pharmaceutical Co., Ltd. in its \$430 million acquisition of Visterra, Inc.;
- Ares Life Sciences, a health care-focused private equity fund, in several potential acquisitions;
- Protalix BioTherapeutics in the sale of its Gaucher disease treatment Elelyso to Pfizer; and
- Nitto Denko Corporation in its sale of Aveva Drug Delivery Systems.

## Fintech & Financial Services

- Credit Karma in its pending \$7.5 billion sale to Intuit;
- ZhongAn International in its insurtech joint venture with SoftBank Vision Fund;
- JD.com, Inc. in the spin-off of its 68.6 percent stake in its finance business, JD Finance, and in its Thai e-commerce joint venture with Central Group;
- PayPal Holdings, Inc. in multiple transactions, including its \$4 billion acquisition of Honey Science Corporation, its \$750 million strategic investment in MercadoLibre and its acquisitions of Jetlore, Inc., Hyperwallet and iZettle;
- Visa Inc. in connection with its equity interest in, and contractual relationship with, Prisma Medios de Pago S.A., the leading cards and payments company in Argentina; and its pending \$5.3 billion acquisition of Plaid Inc.; and
- Citibank in the sale of its consumer banking and credit card businesses through international auction processes: to Banco Santander Rio S.A. in Argentina; to Itaú Unibanco Holding S.A. in Brazil; to Scotiabank in Panama and Costa Rica; to Promerica Financial Corporation in Guatemala; to Banco Ficohsa in Nicaragua; to Terra Group in El Salvador; and to Banco Colpatria and Bank of Nova Scotia in Colombia.

## Strategic Patent Transactions and Counseling

- Nokia Corporation in multiple transactions, including the settlement of its global patent litigation with Apple for \$2 billion and the \$7.2 billion sale of its devices and services business to Microsoft Corporation;
- RPX in multiple transactions, including its acquisition of patent assets from Rockstar Consortium US LP for \$900 million, its acquisition by HGGC for \$555 million, and its negotiations with the Japanese patent fund IP Bridge in a syndicated licensing transaction involving 10 member licensees;
- a public semiconductor company in a portfolio-wide cross-license with another public semiconductor company;

# Ken D. Kumayama

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- an internet of things consumer products company in multiple transactions, including the licensing, acquisition and monetization of patents and technology;
  - IPXI in connection with certain structuring matters and a ULR patent license exchange offering; and
  - MIPS Technologies, Inc. in the concurrent sale of patents to an entity formed by the defensive patent aggregator Allied Security Trust and its acquisition by Imagination Technologies Group plc for aggregate consideration of \$450 million. The acquisition was named among the top matters in the Lawyers to the Innovators category in the *Financial Times*' 2013 U.S. Innovative Lawyers report.