

# Marty Schenker

## Senior Counsel



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San Francisco

Antitrust and Competition  
 Commercial Litigation  
 Intellectual Property Litigation  
 Intellectual Property  
 Class Action Litigation  
 Crisis Management  
 Food and Beverage  
 Healthcare  
 Antitrust Litigation and Enforcement  
 Trials  
 Life Sciences IP Litigation  
 Post Acquisition Disputes and Advisory

Martin Schenker focuses on complex business litigation. He has a proven track record of successful trial and arbitration results in bet-the-company cases for a broad group of clients, including companies in the technology, life sciences and utility industries. Marty, who holds a graduate degree in economics, has extensive experience litigating complex economic and financial matters.

- Gilead Sciences as trial counsel in a multibillion-dollar arbitration initiated by Hoffmann-La Roche over rights to Sovaldi, Gilead's blockbuster drug for the treatment of hepatitis C. In August 2014, an arbitration panel ruled in favor of Gilead on all claims, finding that Roche had no rights to Sovaldi.
- Onyx Pharmaceuticals as trial counsel in a lawsuit against the international pharmaceutical company, Bayer, arising out of the parties' collaboration to discover and develop anti-cancer compounds. The case settled favorably for Onyx midway through trial. Following the settlement, Onyx's market capitalization increased \$800 million, more than 40 percent above its level on the first day of trial.
- Revance Therapeutics as lead trial counsel in a contract dispute arising out of a collaboration agreement with Medicis Pharmaceutical to develop aesthetic products. The case settled favorably for Revance in October 2012, shortly after the completion of trial in the Delaware Chancery Court.
- A nationwide class of immigrant teenagers, as co-lead pro bono counsel with the ACLU, in a lawsuit against Attorney General Jeff Sessions, Immigration and Customs Enforcement (ICE) and the Department of Health and Human Services' Office of Refugee Resettlement (ORR) for using unsubstantiated claims of gang affiliation to illegally detain teenagers in jail-like facilities thousands of miles from their homes. Following a lengthy evidentiary hearing, a federal judge certified a nationwide class and ordered the government to provide hearings to all affected teenagers, leading to the release from custody of more than thirty children to their families.
- Two world-renowned luxury hospitality properties as lead trial counsel in a partnership dispute. Our client prevailed in both phases of the bifurcated proceeding, securing sole control in the first phase and a favorable buy-out price in the second phase. The other party appealed the result, but eventually gave up, dismissing its appeal.
- Qualcomm as trial counsel in its global patent licensing dispute with Nokia concerning Qualcomm's cellular communications technology. The case settled favorably for Qualcomm at the start of trial, resulting in a 15-year multibillion-dollar license agreement between Qualcomm and Nokia.
- Pacific Gas and Electric as trial counsel in its bankruptcy confirmation trial, widely believed to be one of

the most complex confirmation proceedings in the history of the US Bankruptcy Courts. The case concluded successfully with the confirmation of PG&E's bankruptcy plan, enabling the company to emerge from bankruptcy.

- PG&E as lead trial counsel in regulatory proceedings before the California Public Utilities Commission and in multiple cases arising out of the California energy crisis.
- Natural Selection Foods, in a wide range of matters, including a federal criminal investigation, class action litigation and congressional testimony, arising from a nationwide E.coli outbreak linked to fresh spinach.
- Dismissal of all claims against one of the country's largest managed-care companies in nationwide class-action litigation attacking HMO practices.
- Numerous companies, in corporate governance disputes, including a global telecommunications company, in shareholder litigation involving the company's cellular telephone business in Russia.
- Advanced Micro Devices, in the landmark *Advanced Micro Devices v. Intel* arbitration.

Marty is an active member of numerous community organizations and has served in leadership roles for local charitable causes.

Marty is a former law clerk to Judge Mariana R. Pfaelzer of the US District Court for the Central District of California. Prior to attending law school, he worked as an economist in the Energy Policy Branch of the US Environmental Protection Agency, where he received an award for his work on domestic energy policy.

## Education

Harvard Law School

JD, 1983

London School of Economics and Political Science

MS, 1979

University of California, Davis

BA, 1978

## Admissions & Credentials

California

## Court Admissions

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

## Rankings & Accolades

Lawyers' Committee for Civil Rights Father Cuchulain Moriarty Award (2021)

American Lawyer: Global Dispute of the Year – Commercial Arbitration (2015)

Northern California Super Lawyers (2006-2016)

Financial Times: Innovative Lawyers

## Memberships & Affiliations

American Bar Association (ABA)

