

THE **RECORDER**

## ‘A Gigantic Leap Forward’: How Nader Mousavi, a Lifelong Tech Deal Lawyer, Ended Up at the Forefront of the AI Revolution

By **Jessie Yount**

November 2, 2023

**B**y his final year at Stanford Law School, Nader Mousavi knew he wanted to spend his career in tech. The Sullivan & Cromwell partner, who first cut his teeth as the only in-house lawyer for a telecom software startup during the dot-com boom, has seen that mission through, advising some of the world’s largest tech companies on industry-first transactions.

Mousavi is a wearer of many hats, as the co-head of Sullivan & Cromwell’s intellectual property and technology group and a member of its cybersecurity group, as well as a lecturer at Stanford. But at his core, he is a self-described tech deal lawyer, who most recently found himself at the forefront of the generative artificial intelligence revolution.

Throughout his more than 25-year career, Mousavi said he was fortunate to participate in key industry trends and deals that helped lay the groundwork for generative AI. Though it may not seem like it to the everyday consumer, Mousavi said he’s seen many pieces of the puzzle fall into place. “I’ve been paying attention for many years,” he said.

What’s more, he’s been an active participant in the burgeoning ecosystem. In the past year, Mousavi represented OpenAI in a multibillion-dollar partnership with Microsoft that is focused on accelerating breakthroughs in AI technology, giving OpenAI access to the computing power to train and serve its AI models, and enabling Microsoft to integrate OpenAI technology into its products and services.

Mousavi also advised Character.ai on its strategic partnership with Google Cloud for cloud infrastructure to train and build sophisticated AI models and others. As if he didn’t have enough on his plate, he also represented BlackBerry on what is reportedly the largest patent deal of all time in terms of the number of assets, spanning about 32,000 pat-



Photo: Jim Gensheimer for ALM

**Nader Mousavi, of Sullivan & Cromwell, receives the California Legal Awards’ 2023 Attorney of the Year award at the 2023 California Legal Awards on Thursday, Nov. 2, 2023, in San Francisco, CA.**

ents and applications, to Malikie Innovations Ltd. for up to \$900 million.

His involvement in industry-leading deals earned Mousavi the California Legal Awards’ 2023 Attorney of the Year.

Though Mousavi said he wasn’t exactly caught off guard by the generative AI wave, he said it’s not hard to see why it’s made a splash. “Anyone who’s had the time to play with one of these large language models has probably had an aha moment that this is a gigantic leap forward from the tools we’ve had at our disposal as consumers before in our lifetime,” he said.

For Mousavi, an avid science-fiction reader as a kid, it’s a bit of a personal fascination, too. “It brings up some very significant philosophical questions about our relationship to tech and making sure it’s aligned in terms of our social and ethical values and norms,” he said. “And we’ve only

seen the early glimpses of what these tools can do. There is much more to come.”

As a result, clients are looking for someone who isn't siloed or simply focused on privacy or copyright issues, Mousavi said. “People are looking for the ability to integrate. This is a highly multidisciplinary area across so many segments,” he said.

As for his own lawyering philosophy, Mousavi added that he believes the make-or-buy difference for clients is being practical, responsive, business-oriented, and willing to offer judgment, all of which are things he said he learned during his early days as an in-house lawyer.

“You have to truly know the business of your clients and what makes them tick,” he said. “Then anticipate that when negotiating a complex deal ... that is a way of facilitating significant value for clients.”

“There are always pros and cons,” Mousavi continued. “You could stop there, but what clients really want is judgment. It doesn't mean your option doesn't have risk, but as long as it is understood and consistent with the strategy and the risk appetite of the client, it might be the right decision.”

### **Taking Risks, Learning Through ‘Trial by Fire’**

Though Mousavi's fascination with technology has been a common thread throughout his career, he didn't always know he wanted to be a lawyer.

Born in Iran—he came to California with his family as a 1-year-old—Mousavi said he was always attracted to the country's democratic principles and justice system, which led him to study American studies in college. Though he considered a career in foreign relations, or in the law, his acceptance to Stanford Law School set him on the path to become a lawyer.

Once he arrived, “tech was all around us,” Mousavi recalled. Upon graduation, Mousavi eschewed offers from law firms in the region, instead taking a risk and accepting a position at a small startup in the Bay Area.

Though some of his advisers warned him against that path, Mousavi said he felt compelled to do things his way. “My view was that I had no business jumping in and starting to advise tech companies without ever having been in one,” he said. “I thought it was going to be essential to see what it was like being in a high-growth tech environment ... to be on the front lines.” As the only lawyer at the company, Mousavi said he learned through “trial by fire,” by reading

as much as possible and trying to understand things he didn't, and seeking help when he couldn't find the answers on his own.

That company was acquired in the early 2000s, but the new owner hit a roadblock to going public when the dot-com bust occurred. At that point, Mousavi made a conscious decision to try law firm life, joining Hale & Dorr, the predecessor firm to what is now Wilmer Cutler Pickering Hale and Dorr, and eventually helping it launch a Silicon Valley outpost.

“I was happily surprised to find that I loved the practice—the variety of clients and companies at different stages of growth, and their businesses, which were constantly presenting interesting and complicated problems,” Mousavi recalled.

During his time at Hale & Dorr, one deal that stands out in Mousavi's mind is his work for Silver Lake, to help manage and resolve an intellectual property dispute between Skype (which has just been acquired by Silver Lake) and the founders of Skype. During the dispute, which threatened to shut the company down, Mousavi met a team of Sullivan & Cromwell lawyers serving as merger and acquisition counsel to Silverlake.

Looking back, Mousavi said that he never imagined he'd get a call from Sullivan & Cromwell. After all, at that time, the firm had never hired a lateral partner in the U.S. Yet, Mousavi came to learn that “the firm had decided to make an exception to find the right person to help it build and establish an IP transactional practice,” Mousavi said. “That was very fortunate for me.”

Since then, Mousavi has advised on numerous technology and IP aspects of blockbuster deals, including Biohaven's \$11.6 billion acquisition by Pfizer, as well as his recent representations of tech companies in AI deals.

On the topic of AI, Mousavi added, “I don't believe AI deals are overhyped, and that says a lot, considering the hype.”

Already, AI companies and early adopters across the Fortune 500 are fueling corporate, licensing and partnership work, as well as policy and implementation work, he said. And a number of other companies—for instance, chipmakers that supply the chips necessary to run the cloud services to train and run large language models—are also benefiting. There's no telling who else might benefit, he said.

“We're still at the beginning of this,” Mousavi said. “The industry, services and tools for using AI are at their infancy. There is incredible potential and a lot of work to do.”