



Anthony O. Pergola

Partner
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Based in New York City, Anthony is an investment lawyer who represents tech start-ups at all stages (early-stage, emerging, growth) and the venture capital funds investing in them. Anthony focuses on sell- and buy-side M&A transactions, venture capital investments, and public offerings. While his core area of industry focus is tech (including security, SaaS, enterprise software, healthcare IT, fintech, adtech, and consumer-focused businesses), he counts among his client base publicly-held companies in biotech and other life sciences sectors. As the co-founder and Vice-Chair of Lowenstein Sandler's Tech Group, Anthony is one of the few tech lawyers to call the same firm home for more than 20 years and to have helped usher in the emergence of New York City as a leading tech market from the mid-1990s.

EXPERIENCE

Buy and Sell-Side M&A

- > Represented Osmosis, a U.S.-based visual learning platform that has simplified the complex learning journey for millions of current and future healthcare professionals and their patients around the world, in its acquisition by Elsevier, a global leader in research publishing and information analytics.
- > Represented VTS, the commercial real estate industry's leading leasing, marketing, asset management, and tenant experience platform, in its agreement to acquire Lane, the workplace experience platform used by top landlords.
- > Represented Sapphire Digital, the health care industry's leading platform for provider selection, patient access, price transparency, and digital consumer navigation, in its acquisition by Zelis, a leading payments company in the health care industry.
- > Represented ACV (Nasdaq: ACVA) in its acquisition of Max Digital, a pioneer in automotive data and merchandising products and best known for its flagship inventory management system platform FirstLook. The transaction is valued at \$60 million.
- > Represented ACV (Nasdaq: ACVA) in its acquisition of ASI, an automotive inspection services company.
- > Represented ACV (Nasdaq: ACVA) in its acquisition of TrueFrame™, which provides comprehensive vehicle inspections, called True360 reports.
- > Represented VTS (formerly View the Space) in its acquisition of Rise Buildings, a property operations and tenant experience technology company.
- > Represented Ethoca, a global provider of technology solutions that help merchants and card issuers collaborate in real-time to quickly identify and resolve fraud in digital commerce, in its acquisition by Mastercard (NYSE: MA).
- > Represented VTS (formerly View the Space) in its acquisition of PropertyCapsule.
- > Represented Abacus Group, a global provider of IT services for alternative investment firms, in its acquisition of Proactive Technologies.
- > Represented the owners of TGaS Advisors in its acquisition by Trinity Partners.
- > Represented DealCloud in its acquisition by Intapp.
- > Represented MDX Medical Inc. in the sale of its Vitals Consumer Services Division to WebMD.
- > Represented General Assembly in its \$412.5 million acquisition by Adecco Group AG.
- > Represented Universal Patient Key in its acquisition by Datavant.
- > Represented ZenIQ in its acquisition by 6sense.
- > Represented Celldex Therapeutics, Inc. (Nasdaq: CLDX) in its \$235 million acquisition of Kolltan Pharmaceuticals.
- > Represented VTS (formerly View the Space) in its acquisition of Hightower.
- > Represented Yodle, Inc. in its \$342 million acquisition by Web.com.
- > Represented Billguard in its acquisition by Prosper Marketplace.

- > Represented SilverSky in its \$232.5 million acquisition by BAE Systems plc.
- > Represented QualityHealth in its acquisition by Sharecare.
- > Represented Trientis Vitae in its acquisition of TGaS Advisors.
- > Represented MDX Medical Inc. in its acquisition of Compass Healthcare Advisors.
- > Represented Maxymiser in its acquisition by Oracle.
- > Represented Liazon Corporation in its \$215 million acquisition by Towers Watson.
- > Represented Celldex Therapeutics, Inc. (Nasdaq: CLDX) in its \$94.5 million acquisition of Curagen Corporation.
- > Represented Celldex Therapeutics, Inc. (Nasdaq: CLDX) in its all-stock merger with AVANT Corporation.
- > Represents leading venture capital funds as investor counsel in the sale of portfolio companies.

Venture Capital Funds

- > Represented leading venture funds in portfolio company investments ranging from pre-seed investments to Series A, B, C, D and late stage cross-over investments, including Bessemer Venture Partners, Costanoa Ventures, FINTOP Capital, FirstMark Capital, Insight Venture Partners, Lakestar Capital, Osage Venture Partners, New Enterprise Associates (NEA), OpenView Partners, Patricia Industries (*aka* Investor Growth Capital), PeakSpan Capital, LLC, Princeville Global, Sequoia Capital, Tectonic Ventures, L.P., Trinity Ventures Inc., and Udata Partners.

Representative Company-Side Venture Capital Financings

- > Represented PeakSpan Capital, a growth equity firm based in New York City and Silicon Valley, in its \$22 million investment in Rallyware, the leading provider of outcomes-based performance enablement solutions for enterprises with distributed teams across the globe.
- > Represented Orchard in its \$100 million in Series D funding propelling the company to unicorn status. The round was led by Accomplice with participation from repeat investors FirstMark, Revolution, First American, Juxtapose and a syndicate of new investors.
- > Aetion, Inc., a health care technology company providing a real-world analytics and evidence platform to support value-based care, in securing a \$27 million Series B strategic capital infusion led by global leaders in biopharma and health care services, including Sanofi, UCB, McKesson Ventures, and Horizon Health Services, Inc. NEA, Flare Capital, Lakestar, and other existing venture capital investors also participated. Amgen Ventures was an earlier investor. We represented Aetion in earlier stages of its Series B funding, which now totals \$63 million.
- > ACV Auctions, an advanced online auction that streamlines the buying and selling of inventory between auto dealers, in its \$93 million Series D funding round led by Bain Capital Ventures and early investor Bessemer Venture Partners and including Future Fund, Australia's sovereign wealth fund. The company's other early investors, Tribeca Ventures and Armory Square Ventures, also participated in the round.
- > ACV Auctions in its \$31 million Series C financing led by Bessemer Venture Partners, Tribeca Ventures, SoftBank NY, and Armory Square Ventures. We previously represented ACV Auctions in its \$15 million Series B financing.
- > Centivo, a new type of self-funded health plan, in its \$34 million Series A financing led by Bain Capital Ventures, with additional investments from F-Prime Capital Partners, Maverick Ventures, Bessemer Venture Partners, Ingleside Investors, Rand Capital, Grand Central Tech Ventures, and Oxeon Investments.
- > Perch, the marketplace for buying and selling homes, in its \$30 million Series A financing led by FirstMark Capital, with Juxtapose and Accomplice also participating in the round.
- > Aetion, Inc. in its \$36.4 million Series B financing, in a round led by New Enterprise Associates (NEA) and including, as a new investor, Amgen Ventures, alongside existing investors Flare Capital Partners, Lakestar, and Oxeon Ventures. We previously represented Aetion in its \$11.2 million Series A financing led by Flare Capital Partners and joined by Lakestar.

Public Offerings

- > Represented Celldex Therapeutics, Inc. (Nasdaq: CLDX) in connection with the company's \$287.5 million public offering of common stock.

HONORS & AWARDS

- > **The Best Lawyers in America (2019-2022)**
Recognized in the Corporate Law, Leveraged Buyouts and Private Equity Law, Mergers and Acquisitions Law sections

NEWS & INSIGHTS

Publications

- > May 18, 2020
"Dear Tech Company Founders & VCs: Eligible on Main Street," Debt Financing & The Tech Group Client Alert
Anthony O. Pergola, Bryan D. LaPlant, Kathleen A. McGee, Kimberly E. Lomot, Lowell A. Citron, Ed Zimmerman
- > April 24, 2020
"Heightened Scrutiny for Public Companies and Portfolio Companies of Funds for PPP Loans and No PPP Loans for Funds Themselves," Lowenstein Sandler Client Alert
Lowell A. Citron, Ed Zimmerman, Michael A. Buxbaum, Theodore C. Sica, Kimberly E. Lomot,

- > April 7, 2020
"Venture Capital Affiliation Checklist (for Rule 301(f) purposes for SBA 7(a) PPP Business Loans)," *Lowenstein Sandler LLP*
 Ed Zimmerman, , Kimberly E. Lomot, Raymond P. Thek, Anthony O. Pergola, Alex D. Leibowitz
- > April 5, 2020
"SBA Loans Under PPP: Please Don't Require VC-Backed Startups To Amend Their Charters," *Forbes*
 Ed Zimmerman, Anthony O. Pergola, Kimberly E. Lomot,

In the Media

- > June 22, 2020
 Lowenstein's representation of issuer **Celldex Therapeutics, Inc.** (Celldex) (Nasdaq: CLDX) in connection with the company's approximately \$150 million public offering of common stock is highlighted in the **Global Legal Chronicle**. The Lowenstein team included **Anthony O. Pergola, Alan Wovsaniker, Kate Basmagian, Alexander Dinur**, Madeline Roe, **Sarah Gore**, and **Robert J. Paradiso**. ***View Lowenstein's news announcement about this transaction.***
- > May 28, 2020
 Lowenstein's representation of **PeakSpan Capital** in an investment transaction in which PeakSpan, Morgan Stanley Expansion Capital, and others invested more than \$42 million in Ecwid is noted in the **Global Legal Chronicle**. The Lowenstein team was led by **Anthony O. Pergola** and **Juan B. Soto** and included Ifat Lipman, Joon Hwan Kim, and **Serena Ward**, with support from **Darren Goodman, Eric Jesse, Leah Satlin, Sophia Mokotoff**, and the firm's **Global Trade & Policy** team (led by **Doreen M. Edelman**), among others. ***View Lowenstein's news announcement about this transaction.***
- > May 27-28, 2020
Aircall's \$65 million Series C funding round, the result of an international team from Osborne Clark (including Lowenstein Sandler) advising **DTCP's** Venture and Growth Fund II, is noted in **TechCrunch, Inside Intercom, Business VoIP, Venture Capital Journal, SiliconANGLE, Silicon Republic, and VentureBeat**. (The Lowenstein team was led by **Anthony O. Pergola** and **Alex D. Leibowitz**, along with **Matthew W. Stichinsky** and **Jenna-Marie Tracy**, and the firm's **Global Trade & Policy** team (led by **Doreen M. Edelman**), among others.) ***View Lowenstein's news announcement about this transaction.***
- > May 26, 2020
 Lowenstein's representation of **Aspiration Partners, Inc.** in its \$135 million Series C financing round is noted in the **Global Legal Chronicle**. The Lowenstein team was led by **Anthony O. Pergola** and **Chandra K. Shih** and included **Juan B. Soto** and Christopher T. Pham. ***View Lowenstein's news announcement about this transaction.***
- > May 21, 2020
Fortune reports that Lowenstein client Aspiration Partners, a fast-growing financial firm with a conscience, has secured \$135 million Series C financing, bringing total funding raised to date to more than \$200 million. The Lowenstein team was led by **Anthony O. Pergola** and **Chandra K. Shih** and included **Juan B. Soto** and **Christopher T. Pham**.
- > November 15, 2019
 Lowenstein's representation of **ACV Auctions** in its **\$150 million late-stage venture capital financing** is noted in the **Global Legal Chronicle**. The Lowenstein team included **Anthony O. Pergola, Dotan Barnea, Joon Hwan Kim, and Cecily Larison**. ***View Lowenstein's news announcement about this transaction.***
- > March 12-April 18; May 24, 2019
Mondaq News, Retail Dive, The PE Hub Network, StreetInsider.com, and the **Global Legal Chronicle** cover news of Lowenstein client Ethoca's acquisition by Mastercard. (The Lowenstein deal team included: **Steven E. Siesser, Traci M. Tomaselli, Anthony O. Pergola, Lesley P. Adamo, Jeffrey Blumenfeld, Jeffrey M. Shapiro, Jack Sidorov, Michael J. Mueller, Darren Goodman, Megan Monson, Gina M. Seong, James McDonough, Sophia Mokotoff, Erica Perlmutter, and Lauren Killeen**.) ***View Lowenstein's news announcement about this transaction.***
- > August 14, 2018
CNBC highlights Intapp's acquisition by DealCloud. Lowenstein was counsel to DealCloud for this transaction. ***View Lowenstein's news announcement about this deal.***
- > April 26, 2018
 The **Global Legal Chronicle** notes Lowenstein Sandler's representation of General Assembly in an article discussing Adecco's \$412.5 million acquisition of the company. The article lists **Ed Zimmerman, Anthony O. Pergola, Eric Weiner, James E. Gregory, Brian A. Silikovitz, Lisa A. Harvey, Darren Goodman, Yvonne Elosiebo, Pooja Patel, Philip Mackson,** and **Mitchell McDonald** as members of the Lowenstein team.

EDUCATION

- > Harvard Law School (J.D. 1995), cum laude
- > Saint Peter's University (B.A. 1992), summa cum laude; Salutatorian, Student Body President, Alpha Sigma Nu (National Jesuit Honors Society)

ADMISSIONS

- > New York
- > New Jersey
- > District of Columbia