

# Investor's Cost of First Market Mover Advantage

Armando Castro September 2016

Pillsbury Winthrop Shaw Pittman LLP

Source: Crunchbase and Online Resources

# Early Stage Investor Experience

- "First mover advantage" is not a type of defensibility. Entrepreneurs cite it all the time, but getting an actual advantage from being a first mover is really rare and really difficult to find
- Investors should look at it with a different set of optics: "There will always be a "copycat" that will take advantage of not having made the mistake that the first mover encounters"



#### Investor Evaluation

- Investors should focus on the following when assessing "first mover advantage"
  - Strong Management Team
    - Ability to adapt in the event the "first mover advantage" disappears
    - Has this team scaled effectively in the past?
    - Has this team had successful exists in the past?
  - Is the Market large enough to accommodate two players of size in the event we lose the advantage?
  - What has created this "first mover advantage"?
  - Why hasn't this been done before and why will it work now?
  - What happens to my investment in the event that first market mover advantage disappears?
    - Washout by another investor who takes advantage of the "hiccups" I paid for?
    - Examples: Lotus 123, Netscape, Inktomi, AltaVista, AOL



## Tale of Two Investments – Zenefits

- They had first market mover advantage Zenefits is a company based in Silicon Valley that offers cloud-based software as a service to companies for managing their human resources, with a particular focus on helping them with health insurance coverage.
- In 2014, Zenefits was identified as one of the fastest growing software as a service companies in history. Its revenue growth rate was compared favorably with such companies as Workday and Salesforce.com; Forbes reported that its valuation growth was among the highest of any company in 2014.
- On April 21, 2015, TechCrunch reported that Zenefits was raising somewhere between \$300 million and \$500 million at a valuation worth of \$3 billion, and possibly as high as \$4 billion.



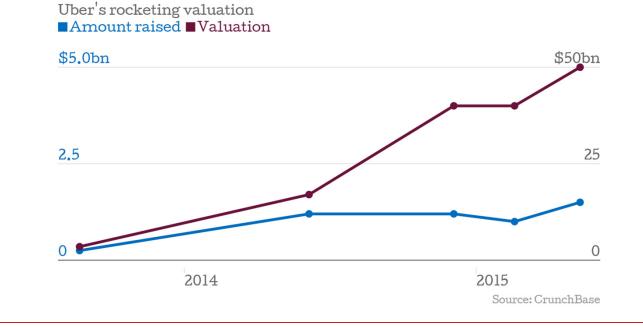
# Tale of Two Investments – Zenefits (cont'd)

- In 2016 an internal legal investigation found the company had created and used a browser extension to skirt training, <u>licensing</u>, <u>and certification</u> requirements around selling insurance across state lines. This revelation came amid other reports of internal misconduct and led the California Department of Insurance to begin its own investigation
- Then in February 2016, Zenefits laid off 17 percent of its employees, or 250 people, and closed its Arizona offices. In June 2016 the company laid off another 9 percent (106 additional people) and offered existing employees a two-month severance package



#### A Tale of Two Investments – Uber

- Uber is a mobile app connecting passengers with drivers for hire.
- Clear first market mover advantage
- Funding History (now a unicorn)



# A Tale of Two Investments – Uber (cont'd)

- Has maintained its "first market mover advantage" inspite of number of well funded competitors and significant regulatory issues
- KEY DRIVER- tremendous execution and ability to attract tier-1 management, advisors and investors





### Armando Castro Partner/Corporate & Securities - Technology

Silicon Valley 2550 Hanover Street Palo Alto, CA 94304-1115 Main: (650) 233-4500 Direct: (650) 233-4040 Fax: (650) 233-4545