

# TOP INTELLECTUAL PROPERTY LAWYERS 2017

## Daniel S. Schechter

### FIRM

Latham & Watkins LLP

### CITY

Los Angeles

### SPECIALTY

Litigation

When there's \$1.6 billion on the line, Schechter said attorneys have to worry how just about anything — even a looming presidential election — could color the perspective of a jury.

Schechter led a team of Latham & Watkins attorneys in defense of Emirates NBD Bank PJSC, a major Dubai-based bank facing a lawsuit by California-based fintech company InfoSpan Inc.

InfoSpan claimed the bank had improperly ended a partnership to provide a propriety payment card platform for unbanked laborers looking to send international remittances to their home countries. Alleging trade secrets misappropriation and fraud, InfoSpan sought \$554 million in compensatory damages and \$1.1 billion in punitive damages.

The defense argued that the bank had properly terminated the partnership after InfoSpan failed to deliver the product as promised and had none of the trade secrets it had claimed. *InfoSpan Inc. v. Emirates NBD Bank PJSC*, 8:11-cv-01062 (C.D. Cal. Aug. 11 2016).

Schechter and the Latham team took over the case from another firm as it was approaching trial, and they faced a prominent adversary in Bill Isaacson, a partner at Boies Schiller Flexner LLP. While Emirates Bank had a solid

explanation to justify the termination of the partnership, Schechter explained, the plaintiff strongly pressed a case based on "othering" the Middle Eastern bank, a strategy he feared could sway jurors in the heat of a tumultuous presidential election. Thankfully, Schechter said, the jury wasn't swayed when it became apparent that InfoSpan's claims about its product were overstated.

"It was a fanciful story they told, and so we asked them about it — who developed it, who were the employees involved? They couldn't name them," Schechter said, adding that the plaintiffs had explained that the developers "worked at night" and didn't interact with company administrators. "They couldn't even provide what the product's name was, couldn't produce a single answer when they were put on the spot with some very basic questions."

Schechter said that through mock trials, it became apparent that the jingoistic argument put forward by the plaintiffs wouldn't land. Jurors typically reasoned that if you do business in another country, "you abide by that country's norms."

"Once we could establish that it was vaporware and that our client really was duped, people were very comfortable that the bank acted within its rights," Schechter said.



Schechter was further put at ease by the fact that people he spoke to both informally and in preparation for the case expressed positive views of Dubai.

"When we went over there for meetings with client, I'd say to associates, 'What happened when you told your wife or husband or whomever that you were going to Dubai?'" Schechter said. "And most of them were saying, 'I've always wanted to go to Dubai.' It always had a very positive image."

— Steven Crighton