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# TOP INTELLECTUAL PROPERTY LAWYERS

## Douglas E. Lumish

<b>FIRM</b> Latham & Watkins LLP	<b>CITY</b> Menlo Park	<b>SPECIALTY</b> Patent and trade secrets litigation
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Lumish’s IP practice for Latham & Watkins LLP has evolved as technology moves forward for clients like Arista Networks Inc., Symantec Corp. Western Digital Corp., Hitachi Ltd., Amazon.com Inc., Codexis Inc., ThermoFischer Scientific Inc., Life Technologies Corp. and Cornell University.

Lumish has watched the landscape alter significantly since the U.S. Supreme Court published its *eBay Inc. v. MercExchange LLC* opinion in 2006 making it harder for plaintiffs to get injunctions based on patent infringement findings and leading to a shift in litigation to the U. S. International Trade Commission.

“It’s tougher to get injunctions in federal court, so the ITC has become the hot forum,” he said. “You can get through an ITC trial in eight to 10 months. My ITC practice is very busy now. I was in D.C. [at ITC hearings] more last year than ever before.”

But sometimes high-stakes litigation comes down to tough tactics, such as in a trade secrets and patent infringement case Lumish filed for Redwood City-based biotech client Codexis Inc. The defendant is EnzymeWorks Inc., the



California unit of a Chinese company whose founder Junhua Tao formerly worked with Codexis to develop enzyme technologies used in the manufacture of medicines.

The suit alleged that EnzymeWorks stole Codexis’ confidential and proprietary information and used it to start its own business. EnzymeWorks allegedly infringed 10 Codexis patents

and misappropriated trade secrets. The defendant conceded the infringement and the validity of Codexis’ patents, leaving only damages and the resolution of the other claims for adjudication.

Following a settlement reached in February, however, EnzymeWorks allegedly violated the deal when it published an erroneous narrative about the suit’s conclusion. *Codexis Inc. v. EnzymeWorks Inc.*, 16-CV00826 (N.D. Cal., filed Feb. 19, 2016).

The settlement agreement contained a stipulated order restricting public statements about it. EnzymeWorks’ press releases, however, contained misstatements and self-serving claims including hyperlinks to attacks on Codexis.

In a February 20 motion, Lumish asked U.S. District Judge William H. Orrick of San Francisco to hold EnzymeWorks and Junhua Tao and their Los Altos-based counsel LiLaw Inc. in contempt, issue sanctions and compensate Codexis for pursuing the contempt order.

Orrick ruled in favor of Lumish’s client, holding EnzymeWorks in contempt of court in late March and ordering the company to retract its press release.

— John Roemer