

# Daily Journal

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## INTELLECTUAL PROPERTY

Top Lawyers 2023



### DOUGLAS E. LUMISH LATHAM & WATKINS | MENLO PARK Litigation

**D**ouglas E. Lumish, a Latham & Watkins LLP partner, represents leading technology and life sciences companies in their most important intellectual property and technology-related litigation. He formerly served as co-chair of the Bay Area litigation and trial department and as global co-chair of the IP litigation practice.

He joined Latham in 2013 after working at the firm now known as Kasowitz Benson, Torres LLP and at Weil, Gotshal and Manges LLP.

Lumish said he's busy. "After COVID, there were a lot of delayed trials, but that's passed and we're back to the normal churn." As for trends, "The trade secrets trend

continues. The Defend Trade Secrets Act has taken root and people are comfortable with it, so they're using their expertise from the patent world to litigate these cases."

His clients include Activision Publishing Inc., Adobe Inc., Apple Inc., Applied Biosystems, Broadcom Inc., Comcast Corp., The Walt Disney Co., eBay Inc., Meta Platforms Inc., Google LLC, Hitachi Ltd., Intel Corp., Microsoft Corp., Oracle Corp., 10X Genomics Inc., Western Digital Corp., WhatsApp and Yahoo.

Lumish got a major win on summary judgment for Meta just a few weeks before trial in a case involving four patents that the plaintiff claimed cover the "typehead" function in Facebook. In an unusual switch, Lumish said, he took on a supporting role helping prepare the associate who argued the winning motion. *MasterObjects Inc. v. Meta Platforms Inc.*, 3:21-cv-0528 (N.D. Cal., filed Jan. 26, 2021).

The day before the argument, Senior U.S. District Judge William H. Alsup of San Francisco requested that a younger lawyer appear to present Meta's case for summary judgment.

"I called Tiffany Weston in our D.C. office and asked if

she could be out here tomorrow," Lumish said, referring to a third-year associate on the defense team.

"She got a plane booked and headed for the airport while I put together a package for her and talked to her on the way to the airport. She'd been working on the case, so she was ready. In fact, she was absolutely terrific. Judge Alsup pressed her, and she handled it. People here were really excited for her."

Weston is now clerking at the U.S. Court of Appeals for the Federal Circuit. "I hope we get her back," Lumish said. MasterObjects filed a notice of appeal in October 2022.

In a decisive win for Disney, Lumish led the team against an amusement park ride designer who alleged infringement regarding Disney's Star Wars Rise of the Resistance attraction. *Raven Sun Creative Inc. v. Walt Disney Parks and Resorts U.S. Inc.*, 6:21-cv-01864 (M.D. Fla., filed Nov. 8, 2021).

"We got an invalidating ruling and then they settled," Lumish said.

—Jennifer Chung Klam