

Daily Journal

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TOP VERDICTS OF 2016

The largest and most significant verdicts and appellate reversals handed down in California in 2016

TOP DEFENSE VERDICTS

InfoSpan Inc. v. Emirates NBD Bank PJSC

**case
INFO**

**InfoSpan Inc., v. Emirates
NBD Bank PJSC,**
11-CV01062-JVS
(C.D. Cal., filed July 15, 2011).

**Trade secrets
misappropriation**
Central District
U.S. District Judge
James V. Selna

Defense lawyers:
Latham & Watkins LLP, Daniel
S. Schecter, Dean G. Dunlavey,
Kathryn H. Ruemmler, Nima H.
Mohebbi, Stephanie N. Grace,
Jonathan R. Sandler, Jacquelyn
K.M. Levien, Elizabeth A.
Greenman

Plaintiff lawyers:
Boies, Schiller & Flexner LLP,
William A. Isaacson; Bird
Marella Boxer Wolpert Nessim
Drooks Lincenberg & Rhow PC,
Terry W. Bird



DANIEL S. SCHECTER



DEAN G. DUNLAVEY



KATHRYN H. RUEMLER

The Latham team faced a big challenge. Not only was plaintiff InfoSpan Inc., an Orange County-based technology company, represented by top litigators, Latham was late to the case: The firm took over after defendant Emirates NBD Bank parted ways with Knobbe, Martens, Olson & Bear LLP. Still, attorneys crafted a defense that poked holes in InfoSpan’s story that Emirates stole from InfoSpan a financial technology product developed to allow migrant workers without banks to be paid electronically.

After a two-week trial, U.S. District Court jurors on Aug. 11 took less than a day to conclude that InfoSpan hadn’t proven its case. Presiding Judge James V. Selna later declined to reimburse

Latham’s attorneys’ fees, saying he believed the case had merit, but the jury verdict was a huge win for Emirates: InfoSpan had sought \$1.66 billion in compensatory and punitive damages.

“People expect that with a big bank or big bureaucracy, there’s going to be a paper trial,” said Daniel S. Schecter, a partner in Latham’s Century City office. “But at the end of the day, InfoSpan could never prove that they ever developed the thing that they claim was worth a billion dollars, and they couldn’t point to any documents showing we were using or selling the product.”

This strategy worked to avoid what Latham attorneys described as InfoSpan’s overt appeals to nationalism. They ignored Emir-

ates’ status as the largest bank in the United Arab Emirates during a time of heightened focus on the Middle East and Islam and spent much of their allocated trial time cross-examining InfoSpan’s witnesses to establish that the basic story at the heart of their claimed trade secrets theft was “simply not true,” Schecter said.

“Ultimately, the sense that we got from the jury was that they don’t like banks, but they also think banks are smart,” Schecter said.

Latham’s trial team consisted of Schecter and two other lead partners, Dean G. Dunlavey and Kathryn H. Ruemmler, who handled the opening statement and closing argument.

— Meghann M. Cuniff

A Middle Eastern bank may not seem like the most sympathetic defendant, but attorneys at Latham & Watkins LLP used their client’s status as a major international financial institution to help expose what they believed was a key flaw in the plaintiff’s lawsuit.