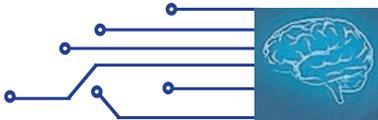


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TOP CYBER/ARTIFICIAL INTELLIGENCE LAWYERS 2018



Jennifer L. Barry

Latham &
Watkins LLP

San Diego

Practice: Intellectual
property litigation

Specialties: Internet and
digital media, trademarks,
copyright, trade secrets



services assisting auto dealerships with posting advertisements to *Craigslist*. *Craigslist Inc. v. DealerCMO Inc.*, 16-cv01451, (N.D. Cal., filed March 23, 2016).

DealerCMO was accused of improperly swapping in new cars on postings in which the original vehicles had sold and not paying the required fees for new postings. The parties agreed in October to a stipulated judgment and permanent injunction that included \$1.75 million in damages and attorneys' fees for Craigslist.

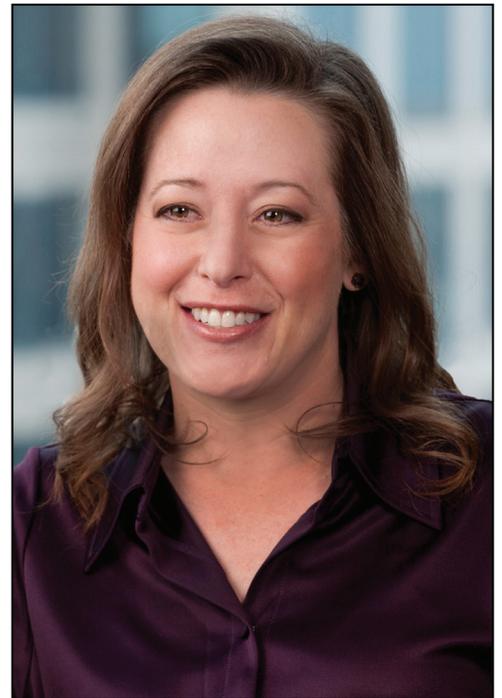
Barry also represented Craigslist in a suit against 3taps Inc. that alleged the company scraped Craigslist data and made it available to different sites. In 2015, 3taps and other companies agreed to pay \$3.1 million, and a permanent injunction was entered. *Craigslist Inc. v. 3taps Inc. et al.*, 12-cv03816, (N.D. Cal., June 30, 2015).

"What is of paramount importance is that Craigslist's users and their users' postings are treated with the respect that they should be shown," Barry said.

Barry has represented the ride-hailing app Lyft Inc., including in a suit against the company's former chief operating officer who left for rival Uber Technologies Inc.

The complaint alleged breach of contract and breach of fiduciary duty stemming from the former officer's alleged copying and retention of Lyft's confidential information. *Lyft Inc. v. Travis VanderZanden*, CGC-14-542554 (S.F. Super. Ct., filed Nov. 5, 2014).

Though the suit ultimately settled



on confidential terms, Barry said the litigation raised interesting questions about employees' use of cloud storage services for work-related materials.

The former Lyft COO had used Dropbox to store some work documents, but when he closed the Dropbox account following his departure, the materials stored there could no longer be recovered, Barry said. Lyft had a pending motion for spoliation of evidence when the case settled.

"A company needs to be very careful in dealing with the departure of an employee who leaves to work for a competitor," Barry said.

— Lyle Moran

Barry relishes the opportunity to help internet giants and mobile applications navigate a legal landscape featuring statutes that didn't contemplate how businesses would use new technology.

"I find it very challenging, but also very exciting, to see how we can apply old law to new scenarios," said Barry, global co-chair of Latham & Watkins' intellectual property litigation practice. "It has been a very interesting ride."

Her representation of Craigslist Inc. has forced Barry and her team to confront a wide array of legal issues, and they have achieved positive outcomes for the prominent client.

The company filed a federal infringement, dilution, cybersquatting and breach of contract lawsuit against DealerCMO Inc. for use of its CRAIGSMAX brand to offer