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TOP TRADE SECRETS LAWYERS 2024

Douglas E. Lumish



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MENLO PARK

Since beginning his legal career in 1996, Douglas Lumish has established himself as a formidable presence in the courtroom, particularly in the realm of high-stakes technology litigation.

Inspired by his law school professor, Paula Downey, Lumish found his calling in IP law, drawn to the field's dynamic nature and the oppor-

tunity to work with groundbreaking technologies.

"The IP issues I litigate over have included truly fascinating and world-changing technologies, such as those for decoding the human genome, the fundamentals of the World Wide Web, autonomous vehicles and flight, critical medical treatments and devices, and myriad other cutting-edge technologies that have changed the world in significant ways," he said.

Lumish continued: "I am not free to publicly discuss most of my cases due to client and protective order concerns, but over this year I have helped lead a number of significant trade secret matters," he said. "These included matters for Skyrise Inc. on automated flight systems, Balt on brain aneurysm treatments, and Vade on computer security, among others. We notably secured a major appellate victory for Vade in an email security dispute with Cloudmark and Proofpoint."

He joined Latham in 2013.

His work spans sectors from auto-

mated flight systems to email security technology, reflecting the breadth of his expertise.

Lumish noted the number of trade secret cases continues to increase in part as a result of the Defense Technology Security Administration permitting federal causes of action.

"I see these cases mostly arising out of three fact patterns: employee departures which lead to allegations the departing employees took trade secrets of the former employers to their new employers; failed business relationships where one party contends the other took what they learned from the relationship and used it in an independent effort; and access to data rooms by competitors for asset sales or the like which leads to allegations that the competitor used what they learned in the data room to compete with the disclosing party," he said. "Trade secret cases have also yielded significant jury awards in recent years, which has naturally caught the attention of companies with valuable trade secrets and their lawyers."