

Artificial Intelligence: Recent Representations

We have successfully advised and represented numerous companies in the artificial intelligence space:

- We represented **Proofpoint, Inc.** and its subsidiary, **Cloudmark LLC**, in a case involving misappropriation of trade secrets and infringement of copyrights by Vade Secure and its CTO, Olivier Lemarie, as well as a claim for breach of an employment agreement against Mr. Lemarie directly. After a three-week live jury trial, and one week of deliberations, the jury returned a verdict in Proofpoint's favor, finding that Vade Secure had willfully and maliciously misappropriated Proofpoint's trade secrets (including AI-based trade secrets for detecting cybersecurity attacks), and infringed Proofpoint's copyrights. The jury also found that Mr. Lemarie had breached his employment agreement with Cloudmark. The jury awarded approximately \$14M in compensatory damages. Earlier in the case, we defeated counterclaims raised by Vade Secure asserting antitrust, monopolization, and unfair competition claims against Proofpoint. The Court granted our motion dismissing these counterclaims from the case, in response to which Vade Secure filed amended counterclaims. After we filed a second motion to dismiss the amended counterclaims, Vade Secure dropped them from the case.
- We obtained a complete defense verdict from a jury in a six-patent case. Our client **KeyMe** provides more than 4,000 automated key-duplicating machines throughout the United States using innovative AI and cloud-based technologies. KeyMe's competitor, the Hillman Group, also makes key duplicating machines, albeit using outdated technology. After KeyMe successfully displaced Hillman from multiple retailers, Hillman asserted six patents against KeyMe, seeking a large running royalty and a permanent injunction. In a six-day jury trial, we presented substantial evidence, including from KeyMe's founder and engineers, that the technology used in KeyMe's machines differed in fundamental ways from the outdated technology claimed in Hillman's patents. On cross-examination, Hillman's witnesses were forced to admit that KeyMe's technology was more sophisticated than Hillman's. After deliberating less than three hours, the jury returned its verdict that KeyMe did not infringe any of the 18 asserted claims, and further invalidated a majority of the asserted claims.
- We represented the **co-founder and chief technology officer of an early-stage AI company** in a fraud case involving convertible notes and equity derivatives brought by an investor and obtained a jury verdict in our client's favor on all counts.
- We represented **Waymo LLC**, formerly Google's self-driving car program, in an action asserting misappropriation of trade secrets and patent infringement related to Waymo's self-driving technology against Uber Technologies, Inc. and Ottomotto LLC (N.D. Cal. 2018). The parties reached a settlement on the fourth day of trial, after Waymo had presented much of its case-in-chief, granting Waymo a percentage

of equity in Uber as well as an agreement that assures Uber will not use Waymo's trade secret software and hardware self-driving car technology.

- In *Quid, Inc. v. Primer Technologies, Sean Gourley, et al.* (San Francisco Superior 2019; JAMS 2019) , we represent **AI-based Primer Technologies and its founder and CEO Sean Gourley** and two other former Quid employees in a trade secret misappropriation and breach of contract suit brought by Quid, another AI-based company. Primer builds machines that can read and write, automating the analysis of very large datasets, and is deployed by some of the world's largest government agencies, financial institutions, and Fortune 50 companies. We successfully defeated Quid's attempt to secure a preliminary injunction against all of our clients, and convinced the San Francisco Superior Court to compel the case against Mr. Gourley to arbitration and to stay the balance of the case filed by Quid. The case is pending.
- In *WeRide v Allride, Jin Wang, Kun Wang and ZZX, Inc.* (N.D.Cal. 2019), we represent **WeRide**, a cutting edge, AI-based, Level 4 autonomous vehicle developer and manufacturer in trade secret and breach of contract lawsuit against a former officer, a former employee and their two successor companies ZZX/Allride and Kaizr. The suit focuses on WeRide's proprietary and secret AI-centric autonomous vehicle source code and related information. We successfully secured a preliminary injunction against the defendants. The case is pending.
- We represented **DocuSign** in two separate lawsuits entitled *RPost Holdings, Inc. and RMail Limited v DocuSign, Inc.* (2019), where the RPost plaintiff entities sued DocuSign (and separately Adobe and RightSignature) as well as a dozen DocuSign customers for allegedly infringing multiple patents in the automatic email response technology field. DocuSign is the market leader in electronic signature processing, including AI technology that allows its system to instantly and easily identify agreements and review auto-extracted terms and concepts to ensure compliance and minimize risks. After successfully invalidating the majority of claims asserted in the case and winning a key pre-trial motion regarding admissibility of highly unflattering evidence regarding the principal of the plaintiff, the case settled successfully.
- In *uCar Technology vs Yan Li, Hua Zhong, Da Huo, Zhenzhen Kou* (N.D.Cal. 2017), we represented **four California scientists who founded JingChi**, an AI-based autonomous vehicle company, against accusations that they had misappropriated data and other information related to AI-based car/driverless car technology. We defeated plaintiff uCar's effort to secure a preliminary injunction against our clients, with the court finding provisionally that there was no evidence that our clients had engaged in any trade secret theft or breached any obligation to uCar. After repeatedly demonstrating that uCar's efforts to identify its trade secrets had failed, uCar dismissed its case with prejudice.
- In *Free Stream Media v Alphonso, Inc.* (E.D. Tex. 2015/N.D.Cal. 2017), we represented **Alphonso**, the developer and distributor of a cutting-edge patented video-AI, built with advanced machine learning and computer vision, in a two patent case brought by competitor Free Stream media a/k/a Samba TV in the field of two-sync screen

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advertising technology. After successfully having the case transferred from the Eastern District of Texas to the Northern District of California, we secured a dismissal of one of the two asserted patents based on the favorable Markman ruling issued in the case. The case was ultimately resolved in Alphonso's favor via summary judgment.

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