

Internet Litigation

We are one of the world's leading firms for Internet-related disputes. We have litigated every form of internet-related dispute—on both the plaintiff and defense-sides. We are often retained to seek injunctive relief and to defend against it. By way of example, we have litigated the following internet sector and internet technology-related claims:

- Patent infringement
- Trademark and trade dress infringement
- Copyright infringement
- Trade secret misappropriation
- Breach of privacy rights
- Domain ownership
- Cybersquatting
- Digital Millennium Copyright Act
- Computer Fraud and Abuse Act
- Stored Communications Act

We have won at trial, or obtained summary judgment in, a number of cases later argued to the Second, Ninth, and District of Columbia Circuit Courts of Appeal. The degree to which our expertise in Internet matters is recognized may best be illustrated by the fact that several of our lawyers have been tapped for significant in-house positions with leading Internet companies such as eBay, Pinterest and Google.

REPRESENTATIVE INTERNET CLIENTS

Airbnb
Block (fka Square)
Dropbox
eBay
Google
IAC/InterActiveCorp.
LendingTree
Match.com
Mattel
Netflix
Pinterest
Salesforce.com
Snapchat
Tinder
Tumblr
Vimeo
Yahoo!
YouTube
Zynga

RECENT REPRESENTATIONS

- *Pennsylvania Historical & Museum Commission and Ancestry.com v. Alec Ferretti* (Pennsylvania Commonwealth Court (En Banc), 2026). We secured a complete en banc reversal for Ancestry.com, defeating an open-records demand that sought to force Pennsylvania's state archive to turn over Ancestry's proprietary digitized records, indexes, and metadata. The ruling, decided on the broadest possible grounds, protects Ancestry's investments in Pennsylvania and establishes favorable precedent against similar Right to Know challenges in other states.
- *WPEngine, Inc. v. Automattic Inc, and Matthew Charles Mullenweg* (United States District Court for the Northern District of California, 2024.). We secured a sweeping preliminary injunction win for WPEngine, an website hosting company that recently came under a barrage of retaliatory actions from Defendants Automattic, and its CEO, Matt Mullenweg, after refusing to give in to Defendants' extortionate demands for tens of millions of dollars annually for a purported, unnecessary "trademark license." In the face of this bet the company crisis, Quinn Emanuel sprung to action, assembled a team of 20+ attorneys from offices around the world, and, inter alia, moved for a broad preliminary injunction. On December 12, 2024, the court granted our motion, commanding Defendants to "undo" every retaliatory bad act they committed against WPEngine within 72-hours and further ordering Defendants to behave themselves for the indefinite future.
- *Capitol Records, LLC, et al. v. Vimeo, Inc. and EMI Blackwood Music, Inc., et al. v. Vimeo, Inc.* (S.D.N.Y. / 2d Cir.). We represent **Vimeo**, one of the most popular online video-hosting sites in the U.S., in a groundbreaking copyright case brought by major record labels alleging that Vimeo was liable for hosting thousands of user-uploaded videos that incorporate the labels' musical compositions or sound recordings. In the first phase of this case, we convinced the district court to dismiss the majority of the labels' claims based on the "safe harbor" protections afforded by the Digital Millennium Copyright Act (DMCA), which allows websites to avoid liability when they remove videos upon receiving either actual or "red flag" knowledge of their presence. The district court ruled, however, that the DMCA does not apply to sound recordings fixed prior to February 1972, and that there were questions of fact as to whether Vimeo had "red flag" knowledge of certain videos. On appeal to the Second Circuit, we convinced a unanimous panel that the DMCA does apply to pre-1972 sound recordings, an issue that had never been decided by any other federal appellate court. We further persuaded the Second Circuit to recognize that mere awareness of a video that incorporates an entire song cannot on its own defeat a motion for summary judgment on safe-harbor grounds. In 2017, the U.S. Supreme Court denied the Plaintiffs' petition to review the Second Circuit decision. The case was remanded to district court, and convinced the district court that, under the Second Circuit's ruling, nearly all of the remaining claims should be dismissed because Vimeo did not have "red flag" knowledge that infringing activity was apparent. Plaintiffs have appealed that decision to the Second Circuit, where the case is pending.
- *Excalibur Almaz Limited & Ors -v- Takafumi Horie* (IOM HC). Complete victory for clients in Isle of Man litigation to defend claims in fraud and breach of fiduciary duty arising from the failed investment in a space tourism company of well-known personality and businessman, Takafumi Horie ("Horiemon"). Mr Horie's claims to recover his US\$49 million investment were rejected first by the Texas Court of Appeals and when he pursued those claims in the Isle of Man, he withdrew them

when his case collapsed 2 days before trial and agreed to pay a contribution towards the legal costs of our clients.

- *Brown et al. v. Google* (N.D. Cal.). We are currently defending **Google** in a high-profile privacy class action regarding various Google offerings including Chrome, Google Analytics, and Google Ad Manager. The complaint asserts federal and state wiretapping claims, as well as state constitutional and common law privacy claims, on the allegation that Google receives users' communications with websites and personal information when users are browsing the web in "private" or "incognito" mode.
- *DivX, LLC v. Netflix, Inc.* (C.D. Cal.). We are currently defending **Netflix** in a patent infringement action alleging that Netflix infringes patents related to adaptive video streaming and systems for securely distributing multimedia content through the use of cryptography.
- *Suzhou Angela Online Game Technology Co., Ltd. et al v. Snail Games USA Inc. et al* (C.D. Cal.). We are suing two Chinese video game companies for copyright infringement and trade secret misappropriation from their sale of a video game built using source code copied from our clients, Studio Wildcard and Snail Games. The infringers are suing our clients under the portion of the DMCA takedown notice that authorizes a damage claim against a copyright owner who knowingly serves a fraudulent DMCA takedown notice on an Internet Service Provider, in this case, Valve, Inc.'s Steam Platform.
- *Calhoun et al. v. Google* (N.D. Cal.). We are currently defending **Google** in a high-profile privacy class action alleging that Google improperly obtains browsing data when users have not opted to sync the Google Chrome browser with their Google account. The complaint asserts various federal and state claims, including wiretapping claims, state constitutional and common law privacy claims.
- *hiQ v. LinkedIn* (N.D. Cal. / 9th Cir.). We obtained a significant victory for **hiQ Labs, Inc.** over LinkedIn Corporation in the Ninth Circuit, which held in precedential opinion that scraping data from a public website does not violate the Computer Fraud and Abuse Act ("CFAA"). The Ninth Circuit held that the statute's prohibition on accessing a computer network "without authorization" does not extend to public websites. This holding represents a significant win for the open internet and prevents website operators from invoking the federal computer hacking statute to enforce their terms of service against users who access only data that is not password-protected.
- *Edible IP LLC v. Google LLC* (Georgia 2022). We represented **Google, LLC** in a case where Edible IP, the company that owns the "Edible Arrangements" trademark, sued Google in the Superior Court of Gwinnett County, Georgia, alleging that Google's keyword advertising business "converts" the Edible Arrangements mark. Previously, Edible IP and its affiliate, had sued Google in February 2018, in the federal district court for the District of Connecticut, alleging substantially the same claims; but that case was compelled to arbitration pursuant to an advertising contract between Google and Edible International, LLC. Unsatisfied with that result, Edible IP filed the present litigation in Georgia superior court, and claimed that it could not be forced to arbitrate because it was not a party to Edible International, LLC's advertising contract. Edible IP also asked the Georgia court to issue a preliminary injunction, seeking to shutdown part of Google's keyword advertising program. Quinn Emanuel responded to Edible IP's application for a preliminary injunction by filing an emergency motion

to postpone that matter until after the arbitration and dismissal arguments were addressed, and further requested expedited discovery in connection with the preliminary injunction. The court granted the motion for a stay, and Google moved to compel arbitration, or in the alternative dismiss. Following a two-hour oral argument, the superior court issued a 27-page order granting Google's motion, and the matter was dismissed with prejudice. Edible IP appealed to the Georgia Court of Appeal, which affirmed, and then to the Georgia Supreme Court. The Georgia Supreme Court unanimously upheld Google's win, ruling that no claim for trademark theft or conversion could be maintained without a showing of confusion.

- *Waidhofer et al. v. Cloudflare, Inc. et al.* (C.D. Cal. 2021). We were hired to represent **Multi Media, LLC and Sonesta Technologies, Inc.** in a Central District of California copyright infringement and RICO lawsuit brought by three Patreon and OnlyFans creators. The suit sought more than one billion dollars in damages and centered on allegations that participants in defendants' affiliate marketing programs placed advertisements on an unrelated third-party website, which, unbeknownst to defendants, purportedly infringed plaintiffs' alleged copyrights by publishing plaintiffs' images. After Quinn Emanuel prevailed on key legal issues in motion practice and exposed plaintiffs' deficient claims in discovery, plaintiffs dismissed their case in its entirety. Instead of facing what could have been a crippling jury award, and new precedent that fundamentally would have changed internet advertising, defendants walked away with \$0 paid to plaintiffs.
- *Proofpoint, Inc., Cloudmark LLC v. Vade Secure Incorporated, et al.* (N.D. Cal. 2021). We represented **Proofpoint, Inc.** and its subsidiary, **Cloudmark LLC**, in a case involving misappropriation of trade secrets and infringement of copyrights relating to email and cybersecurity technologies by Vade Secure and its CTO, Olivier Lemarie. 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 misappropriated Proofpoint's trade secrets, and infringed Proofpoint's copyrights. The jury awarded approximately \$14M in compensatory damages. A bench determination of punitive damages for Vade Secure's willful misappropriation is forthcoming. 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.
- *Stein v. Google, LLC* (S.D.N.Y. 2020): We secured a swift victory in the Southern District of New York for **Google** and **YouTube** in a case involving allegations of trademark infringement, unfair competition, trademark dilution, and unjust enrichment brought by the purported creator of a character named "Psycho Teddy." We filed a motion to dismiss or transfer the case, arguing that the Complaint should be dismissed for lack of personal jurisdiction, improper venue, and that each of Plaintiff's claims should be dismissed for failure to state a claim. Within two months of Quinn Emanuel filing the motion, the Court granted it and dismissed all claims.
- *Calendar Research LLC v. StubHub, Inc.* (C.D. Cal. 2020). We served as lead counsel for StubHub and eBay in federal and state court cases alleging misappropriation of trade secrets in connection with the development of iOS and Android apps, and won summary judgment twice.

- We defended one of the world's largest online sellers of used books against claims for copyright and trademark infringement by leading textbook publishers. The publishers claimed that our client was selling counterfeit copies of the books through online sites. We threatened antitrust and copyright misuse counterclaims and defenses. The parties settled the matter.
- *Gottlieb et al. v. Alphabet Inc. et al.* (N.D. Cal. 2018). We represented **Google, Alphabet, and several of its senior executives** in a case involving 13 claims, including RICO violations, securities fraud, antitrust, and breach of contract, arising out of plaintiff's termination from Google's AdSense program. The case was originally filed in New York, where plaintiffs reside, and we first successfully moved to transfer the case to California. We then moved to dismiss the case for failure to join the real party in interest, which the Court granted without prejudice. Once the amended complaint came in, we immediately moved to dismiss on statute of limitations grounds, arguing plaintiffs did not get the benefit of tolling or relation back. The Court agreed, granting our motion with prejudice.
- *Edible International, LLC et al v. Google, LLC* (D. Conn. 2018). We represented **Google, LLC** in a case involving allegations of trademark infringement, trademark dilution, and unfair competition, brought by a customer of Google's advertising services. We successfully won a motion to compel the dispute to arbitration.
- *West v. eBay* (N.D.N.Y. 2018). We served as lead counsel for eBay defending claims alleging misappropriation of information purportedly related to eBay's valet service. A joint stipulation of dismissal was filed after Plaintiff admitted in deposition to altering evidence.
- *Google LLC v. Equustek Solutions Inc., Clarma Enterprises Inc., and Robert Angus* (N.D. Cal. 2017). **Google** retained Quinn Emanuel to bring a suit for a declaratory judgment and injunction to prevent the enforcement of an order in the United States issued by a Canadian court concerning search results worldwide. The order, which the Supreme Court of Canada affirmed, required Google, which was not a party to the underlying dispute, to remove the websites of the defendants (who had defaulted) from search results served in every country on the grounds the Canadian defendants' websites offered products that violated plaintiffs' trade secrets. The DJ action contends that the order is not enforceable in the United States because it repugnant to US policy as expressed by the First Amendment and Communications Decency Act and violated international comity. The Canadian court's 2014 order was the first global delisting order, and Google's United States challenge squarely tees up whether foreign countries can restrict the speech of U.S. internet services in the United States.
 - On November 2, 2017, Judge Davila of the Northern District of California granted a preliminary injunction prohibiting enforcement of the Canadian order in the United States. He found that enforcing "the Canadian order undermines the policy goals of Section 230 and threatens free speech on the global internet."
- *SimpleAir, Inc. v. Sony Ericsson Mobile Communications AB* (Fed. Cir. 2016). At the U.S. Court of Appeals for the Federal Circuit, we obtained a complete reversal of an \$85 million verdict of patent infringement against **Google** in the Eastern District of Texas. Plaintiff SimpleAir, Inc. had sued Google, Microsoft, and numerous other providers of smartphones and software, claiming its patents covered the technology used to send notifications to mobile devices. Google, while represented by previous counsel, had been found by two juries to infringe

and to owe \$85 million in royalties. On Quinn Emanuel's successful appeal, the appellate court first reversed the district court's key claim construction ruling, namely that the term "data channel" could not be a device's connection to the Internet because that would make the term redundant. Instead, the Federal Circuit held that the well-known canon of construction that each claim term should be given meaning could not trump the overriding requirement to stay true to the patent's specification. As a result, the court of appeals agreed with Quinn Emanuel that the verdicts should be reversed and instructed the Eastern District of Texas to enter a judgment of non-infringement in favor Google.

- *Broadband iTV, Inc. v. Time Warner Cable, Inc.; Oceanic Time Warner Cable, LLC* (D. Haw. 2015). We were retained by **Time Warner Cable** for a patent case venued in Hawaii. The plaintiff, BBiTV, is a Honolulu-based company that failed in the video-on-demand (VOD) business and turned to asserting its patent portfolio. BBiTV sued TWC for infringement of a patent directed to creating a bridge between the internet and closed, cable systems by using metadata to facilitate the automation, hierarchical organization, and display of video content on customers' electronic programming guides. TWC invalidated the asserted patent under the Supreme Court's recent Section 101 jurisprudence holding that abstract ideas are not patentable in the context of software inventions and that the addition of conventional technologies cannot provide the inventive concept.
- *Smartflash v. Samsung Electronics & HTC* (Fed. Cir. 2015). We represented **Samsung** and **HTC** in a case involving patents related to the online payment for and distribution of content, such as apps, videos, and music. Weeks before trial, we obtained a reversal of the district court order denying a motion to stay the case pending covered business method review of the patents by the Patent Trial and Appeal Board.
- *Hanginout, Inc. v. Google Inc.* (S.D. Cal. 2014). We represent **Google Inc.** in a case against Hanginout, Inc. Hanginout claims that Google's use of HANGOUTS infringes Hanginout's alleged common law HANGINOUT trademark. Hanginout moved for a preliminary injunction but was soundly defeated. The Court's 34-page opinion found in Google's favor on all of the preliminary injunction factors. The Court's opinion also raised serious doubts that Hanginout even has common law trademark rights in its alleged mark or that there is any likelihood of confusion.
- *Parts.com, LLC v. Google Inc.* (S.D. Cal. 2014). We represented **Google Inc.** in a trademark case involving Parts.com LLC and obtained dismissal of all claims against Google at the pleading stage under the doctrine of laches. The state law claims were also found to be barred by the Communications Decency Act's immunity provision. Parts.com had alleged that Google impermissibly used its trademark in its AdWords program constituting federal and state trademark infringement, dilution, and unfair competition.
- *Zhang v. Baidu.com Inc. and the People's Republic of China (JMF)* (S.D.N.Y. 2014). We obtained complete dismissal of an action in the Southern District of New York against our client **Baidu, Inc.**, the most popular Internet search engine in the People's Republic of China. Plaintiffs alleged that Baidu violated various civil rights statutes by failing to return links in search results to their works advocating political change in China. The court held that Baidu's search results were protected speech and the action was therefore barred by the First Amendment.

- *Schroeder, Rendezvoo LLC and Skoop Media v. Pinterest, et al.* (New York Supreme Court—Commercial Division 2014). We represented the social networking service **Pinterest** in a trade secret misappropriation action filed in New York Supreme Court by an alleged former business partner of Pinterest's first investor. The suit alleged that the idea for the massively successful Pinterest website was originally developed by plaintiffs and later stolen from them by Pinterest's first investor. Plaintiffs further alleged that the investor then gave the idea to the Pinterest founders who then used the ideas to develop the website www.pinterest.com. We moved to dismiss all of plaintiffs' claims against Pinterest. After briefing, the court granted Pinterest's motion to dismiss in its entirety and dismissed Pinterest from the case with prejudice.
- *I/P Engine, Inc. v. AOL Inc. et al.* (Fed. Cir. 2014). We represented **Google, AOL, IAC, Target, and Gannett** in litigation accusing Google's AdWords and AdSense systems of patent infringement. We obtained reversal of a jury verdict of infringement and validity and an award of \$30.5 million in damages. The district court had also imposed ongoing royalties amounting to 1.35% of Google's accused U.S. AdWords and AdSense revenues from 2012-2016. The Federal Circuit reversed the district court by finding all asserted patent claims invalid for obviousness. This ruling overturned both the jury verdict and the district court's post-judgment royalty order, thus precluding not only the \$30.5 million verdict but also ongoing royalties of 1.35% of advertising revenues (Google's main source of revenue) from the accused services for four years.
- *Booking.com v. HRS* (District Court Hamburg 2013). We obtained a first instance verdict for **Booking.com** against a main competitor regarding German unfair competition law.
- *Perfect 10 v. Yandex* (N.D. Cal. 2013). We represented Russian technology company **Yandex**, which operates the world's fourth largest search engine, in a massive copyright infringement lawsuit brought by adult entertainment publisher Perfect 10, seeking over \$100 million in damages. The suit alleged that Yandex had willfully infringed Perfect 10's copyrights in tens of thousands of its images of nude women by crawling, indexing and linking to third party websites hosting infringing Perfect 10 images, and by hosting unauthorized Perfect 10 images uploaded by users of Yandex's user-generated content sites. Early in the case, Yandex defeated Perfect 10's motion for a preliminary injunction on its copyright claims directed to Yandex's search and hosting services, obtaining a court ruling that Perfect 10 was unlikely to succeed on the merits of its claims and that Perfect 10 had not demonstrated irreparable harm. Subsequently, Yandex obtained summary judgment on the vast majority of Perfect 10's claims, on extraterritoriality and fair use grounds. Specifically, Yandex showed that most of Perfect 10's claims concerned "extraterritorial" acts of alleged copyright infringement not cognizable under the U.S. Copyright Act, and that the thumbnail-sized images in Yandex's image search results are a non-actionable "fair use" under the U.S. Copyright Act. After that victory, Perfect 10 quickly settled for a fraction of its original demand.
- *Viacom International, Inc. v. YouTube Inc.* (S.D.N.Y. 2013). We won summary judgment on behalf of **YouTube** and its parent **Google** in a precedent-setting, billion-dollar copyright case brought by Viacom in U.S. District Court in New York. Viacom argued that YouTube should be held liable for the presence of allegedly unauthorized, infringing material on the site. In a decision that helps to establish the rules of the road for Internet services that host user-generated

content, the district court agreed with us that YouTube and Google are fully protected by the safe-harbor provisions of the Digital Millennium Copyright Act.

- *Function Media, LLC v. Google, Inc. and Yahoo, Inc.* (E.D. Tex. 2010, Fed Cir. 2013). Brought in five months before trial to defend **Google's** AdSense advertising products against Function Media's \$600 million claim of infringement of three patents, we won a unanimous jury verdict of both non-infringement and invalidity in the Eastern District of Texas in Google's first patent trial and a complete affirmance of the judgments from the United States Court of Appeals for the Federal Circuit.
- *Bouchat v. Baltimore Ravens & NFL Enterprises.* (D. Md. 2012). We have successfully represented the **NFL** and the **Baltimore Ravens** professional football franchise in a series of copyright actions stemming from the adoption by the Ravens of an inaugural logo for its 1996-1998 seasons that plaintiff Frederick Bouchat alleged was substantially similar to a copyrighted drawing he had submitted for consideration. Most recently, Bouchat alleged that the fleeting appearance of the Ravens' inaugural logo in football documentaries shown on the NFL Network and on the NFL's website, as well as the appearance of the logo in photographic displays at the Ravens' stadium commemorating historical events, infringed his copyright in his drawing. We successfully had the cases entirely dismissed on summary judgment, persuading the Court that the uses at issue are all fair uses.
- *Eon-Net LP et al. v. Flagstar Bancorp* (Fed. Cir. 2011). We obtained a complete victory on claim construction, a stipulated judgment of non-infringement, and an award of over \$600,000 in attorney fees and sanctions for our client **Flagstar Bancorp** in a patent infringement case related to converting hard copy documents to computer files using templates and content instructions. On appeal, the Federal Circuit affirmed the judgment for our client in its entirety.
- *Barclays v. Flyonthewall* (2d Cir. 2011). We represented **Google** and **Twitter** as amicus in the Second Circuit in a successful effort to narrow the tort of "hot news" misappropriation.
- *Soverain Software v. J.C. Penny, et al.* (E.D. Tex. 2011). We represented **Soverain Software** in a patent infringement case involving online shopping cart technology and order tracking systems used on ecommerce websites. Following a five-day jury trial, we obtained a verdict of infringement with respect to all five asserted claims and \$18 million in pre-judgment damages. Soverain's motion for post-judgment damages is pending.
- *Perfect 10, Inc. v. Google Inc.* (C.D. Cal. 2010, 9th Cir. 2011). For our client **Google**, we successfully obtained the complete dismissal with prejudice of the long-running *Perfect 10 v. Google* litigation. At issue were Perfect 10's claims of copyright infringement seeking to shut down Google's popular Web Search, Image Search and Blogger services. Prior to the dismissal, we successfully obtained summary judgment of safe harbor under the Digital Millennium Copyright Act on Perfect 10's copyright infringement claims against Google's Web Search, Image Search and Blogger services. The decision precluded Perfect 10 from seeking any monetary damages for almost all of the more than two million alleged copyright infringements Perfect 10 claimed were hosted by Google's Blogger service or linked to by Google's Web and Image Search services. We also defeated Perfect 10's motion for a preliminary injunction on its copyright and publicity claims, obtaining a court ruling that Google was likely to succeed on the merits, and that

Perfect 10 had not demonstrated irreparable harm. We successfully defended that victory on appeal before the Ninth Circuit in 2011. And finally, on the eve of the close of discovery, after obtaining damaging admissions during several key depositions (including of Perfect 10's CEO Norman Zada) and winning several critical discovery motions, Perfect 10 offered to dismiss the entire lawsuit with prejudice in exchange for Google's agreement not to seek attorneys' fees and costs. The dismissal, coming after more than seven years of protracted litigation, completely vindicated Google's legal position, as Google had maintained all along that Perfect 10's case lacked any merit. The case ended without Google paying Perfect 10 a cent.

- *Performance Pricing Inc. v. Google Inc., et al.* (E.D. Tex., Fed. Cir. 2010). On behalf of **Google** and **AOL**, we won affirmance of summary judgment of non-infringement in a patent infringement litigation in which the patent-in-suit was asserted against the Defendants in September 2007 by Performance Pricing Inc., an Acacia entity. Performance Pricing had accused Google's AdWords and AOL's Search Marketplace systems of infringing the patent, which involved a method of doing business over the Internet "wherein various forms of competition and/or entertainment are used to determine transaction prices between buyers and sellers."
- *Paid Search Engine Tools, LLC v. Yahoo! Inc., et al.* (E.D. Tex. 2010, Fed. Cir. 2012). Representing **Google**, we brought and won an early summary judgment motion of invalidity. The patent-in-suit was asserted against Google by Paid Search Engine Tools ("PSET"). PSET had accused Google's AdWords system of infringing the patent, which involved a bid management system that could adjust bidders' bids in online auctions in order to obtain their desired positions and eliminate "bid gaps." The Federal Circuit affirmed the district court's order *per curiam*.
- *Software Rights Archive, LLC v. Google Inc., Yahoo! Inc., IAC Search and Media, Inc., AOL, LLC, and Lycos, Inc.* (E.D. Tex. 2010). Our client, **IAC Search and Media, Inc. ("IACSAM")**, was sued by a patent troll for the alleged infringement of several patents that allegedly covered key parts of the search algorithms used in IACSAM's Internet search engine. The plaintiff, who was represented by several plaintiffs' firms, sought extensive damages for the alleged infringement by IACSAM and other search engine operators, such as Google and Yahoo!. Our firm played a key role in the preparation of invalidity contentions on behalf of the joint defense group, and the filing of a motion to transfer the case to the Northern District of California, which was recently granted. The plaintiff agreed to a favorable settlement for IACSAM in an amount that was significantly smaller than the plaintiff's initial demand.
- *Bright Response LLC v. Google Inc. and Yahoo Inc.* (E. D. Tex 2010). Defending **Google** against a \$128 million patent infringement claim brought by Bright Response LLC against Google's AdWords advertising system in the Eastern District of Texas, we won a complete non-infringement and invalidity verdict after a six-day jury trial.
- *In re Jonathan Mitchell Shiff* (U.S. Bankruptcy Court for the S.D. Cal. 2010). We represented **DIRECTV** in a cybersquatting case against an individual, Jonathan Shiff, who previously ran one of the largest and most successful independent DIRECTV retailers. After his company was terminated in 2007, Shiff started working as a partner/consultant for another independent DIRECTV retailer. While working with the new DIRECTV retailer, Shiff registered sixty-six domain names

using "directv" followed by a city or state name. All of the domain names were registered without DIRECTV's permission or knowledge and in violation of the DIRECTV retailer agreement, which forbids retailers from using DIRECTV trademarks in domain names. The Court found that Shiff violated the Anti-cybersquatting Protection Act and that the violation was willful because he "clearly used the mark in anticipation of personal profit and did so with the clear understanding that his use of the mark . . . was inconsistent with DIRECTV's rights, desires, and contractual, oral, and written instructions." Although DIRECTV did not offer any evidence of actual damages or Shiff's profits, the court awarded DIRECTV \$7,000 per domain name in damages for a total of \$462,000.

- *Bid For Position v. AOL* (Fed. Cir. 2009). We won affirmance of summary judgment of non-infringement for **Google** in a patent infringement litigation in which plaintiff sought in excess of \$150 million in past damages and a royalty on future revenue in the billions. The litigation concerned the AdWords auction system used by Google to sell advertisement space on search results pages for Google.com and partner sites.
- *Source Search Technologies, L.L.C. v. LendingTree, LLC, IAC/InterActiveCorp, and ServiceMagic, Inc.* (D.N.J. 2009). On behalf of our clients, **IAC/InterActiveCorp**, **LendingTree**, and **ServiceMagic**, we obtained a summary judgment of invalidity. They had been sued in New Jersey for infringement of a business method patent assigned to a New Jersey corporation, owned by a New Jersey resident (who also happened to be the named inventor), and represented by a New Jersey IP firm. The claim for damages was \$100 million. The District Court granted our motion for summary judgment that the asserted claims were invalid for obviousness. If the patent had survived, it could be asserted against any and all internet buyer-vendor matching sites.
- *Applied Information Sciences v. eBay Inc.* (C.D. Cal., 9th Cir. 2007). We obtained a grant of summary judgment for **eBay** against trademark infringement and unfair competition claims related to its use of the terms "Smart Search" as the label for a hyperlink on its website home page. The Ninth Circuit subsequently affirmed summary judgment in eBay's favor. 511 F.3d 966 (9th Cir. 2007).
- *Jews for Jesus v. Google* (S.D.N.Y. 2006). We represented **Google** in a trademark suit arising from a third party's unauthorized use on Blogspot of the plaintiff's registered trademark as the title of a blog critical of plaintiff's organization.
- *eDirect Publishing v. eStaffMax* (C.D. Cal. 2005). We won preliminary and permanent injunctions for **eDirect Publishing** in a false advertising, copyright, trademark and trade dress suit involving an automated resume posting site and related software. We also obtained enhanced monetary damages under the Lanham Act, punitive damages and an award of attorney's fees.

"Quinn has top-shelf, high-level litigators."

Client Testimonials, *Chambers and Partners*