

Artificial Intelligence

AI is also one of the fastest growing sectors for our client base. The creation and deployment of AI systems raises critical IP, privacy, and other legal issues at every phase of implementation and development. From data collection and database maintenance, to deep learning and neural networks, to protecting AI's insights and creative byproducts, AI presents cutting-edge issues in patent, trade secret, copyright, products liability, and privacy law.

No firm is better equipped to handle these issues than Quinn Emanuel. We have long worked with AI-focused tech companies such as OpenAI, NVIDIA, Google, X Corp (formerly Twitter), Qualcomm, Samsung, IBM, Primer, SoundHound, and others. Our teams have helped some of the largest AI developers and adopters navigate the evolving legal landscape. We have had great success safeguarding their most valuable investments and innovations.

Our AI practice group features a global team of top trial attorneys, many with technical degrees. All told, we have over 100 attorneys with technical degrees at our firm who specialize in IP matters, including many dozens with computer science and electrical engineering degrees. Our AI group spans AI hotbeds across the U.S. (San Francisco, Silicon Valley, Seattle, New York, Boston, Los Angeles, Chicago, Washington DC, Texas, Miami) throughout Europe (Germany, London, Paris, Belgium) and Asia (China, Japan, Hong Kong, Singapore). This global scope allows us to advise today's leading tech companies as they navigate AI's ever-shifting legal and regulatory terrain worldwide.

RECENT REPRESENTATIONS

- We secured four consecutive injunction victories in five months for **Applied Systems**, one of the leading providers of insurance agency management software, in litigation arising from a competitor's fraudulent access to Applied's Epic platform. Acting both offensively and defensively across three actions in Delaware Chancery Court and the Northern District of Illinois, we defeated Comulate's TRO application in Delaware after extensive argument, won Applied's own preliminary injunction by turning Comulate's Delaware submissions into admissions of breach, and defeated two further PI motions, with the court finding that Comulate had not shown a likelihood of success on its antitrust claims.
- We are defending **OpenAI** against copyright infringement claims concerning song lyrics filed by GEMA, the German collecting society for musical works, at the District Court Munich. This is the first copyright lawsuit worldwide initiated by a collecting society against an operator of generative AI models. It is widely considered as a frontrunner for clarifying fundamental legal issues regarding copyright and generative AI under German and European copyright law.
- We are defending **NVIDIA** in proposed class-action lawsuits brought by authors alleging that NVIDIA used their copyrighted works to train large language models. The case involves cutting-edge fair use defenses based on the transformative nature of LLM training and addresses fundamental questions about how copyright law applies to AI model development and training methodologies.

- We secured a \$76.6 million trial verdict for **ChemImage** in a two-week bench trial in the Southern District of New York against Johnson & Johnson's Ethicon division. Judge Furman found that Ethicon improperly terminated the parties' agreement to develop cutting-edge, AI-based hyperspectral imaging technology for medical applications. The ruling addresses the challenges innovators face in the MedTech industry and restores ChemImage's ownership of technology it spent decades developing.
- We represent **OpenEvidence Inc.**, an AI-powered medical platform, in groundbreaking trade secret cases involving theft of AI system prompts through "prompt injection attacks." These matters address cutting-edge questions about protecting the crown jewels of generative AI technology—the constitutional frameworks governing how AI models process queries and provide responses. The cases involve novel cybersecurity threats where competitors impersonated healthcare professionals to conduct coordinated attacks designed to extract proprietary AI algorithms and system prompt code.
- We are defending **NVIDIA** against trade secret misappropriation claims brought by Valeo Schalter und Sensoren GMBH, an automotive component supplier. Valeo alleges that NVIDIA misappropriated Valeo's trade secrets relating to ultrasonic sensor perception used in automated parking solutions. The court denied NVIDIA's motion to dismiss, finding sufficient circumstantial evidence to warrant jury consideration, and jury trial is set to begin November 10, 2025.
- We represented **OpenAI** in a trademark infringement lawsuit against Guy Ravine and Open Artificial Intelligence, Inc. Since its founding in 2015, OpenAI, Inc. has used the name "OpenAI" with its products and services. We achieved complete victory with summary judgment, permanent injunction, and Ninth Circuit affirmance of preliminary injunction.
- We represent **Highmark Residential** in the *In re RealPage Software* multi-district litigation, one of the first cases testing the novel theory that algorithmic pricing software constitutes anticompetitive conduct. The matter involves protecting our client's proprietary trading algorithms and source code, with the court recognizing that these AI-powered systems deserve the same heightened discovery protections as other valuable intellectual property.
- We represent **Citadel Securities LLC** in a market manipulation case brought by Northwest Biotherapeutics alleging that Citadel Securities used "high-speed algorithmic computer systems" to engage in "spoofing" that drove down NWBO's stock price.
- We successfully defended **Vizgen, Inc.** in a biotechnology patent lawsuit brought by 10x Genomics and Harvard University challenging Vizgen's MERSCOPE technology, which enables massively multiplexed, genome-scale nucleic acid imaging for tissue-scale research and translational medicine. Vizgen brought antitrust counterclaims alleging that 10x and Harvard conspired to monopolize the market by obstructing Vizgen's ability to compete globally. The case proceeded to trial and settled mid-trial.
- We represent **Figure AI Inc.** in a trademark cancellation proceeding before the TTAB brought by blockchain software company Servblock Limited based on alleged likelihood of confusion between the parties' marks. Figure has moved to dismiss Servblock's petition for failure to state a claim, arguing that Figure's pending applications for AI-related software components are beyond the scope of the proceeding.
- We represent **Cerebras Systems** against Rex Computing in a patent infringement action. The litigation relates to Cerebras' artificial intelligence deep learning system, which runs on the largest computer chip ever built. Rex initially asserted three patents related to complex processor cores, but voluntarily dropped two of the patents after we took over the case. After

depositions, Cerebras was granted leave to amend its answer and assert a counterclaim that the remaining patent is unenforceable due to inequitable conduct.

- We achieved a complete defense victory for client **Verkada Inc.** before the U.S. International Trade Commission in a case that threatened to exclude the entirety of Verkada's core product offerings from importation into the United States. Verkada's recent and rapid growth caught the attention of major, well-established players in the industry—Motorola Solutions, Inc. and Avigilon Corporation (one of its subsidiaries)—who desired to knock an up-and-coming competitor out of the market by filing a complaint with the ITC. Quinn Emanuel hit the ground running to build a multi-faceted defense strategy, working with both in-house technical experts at Verkada and some of the leading experts in the field to develop several alternative non-infringing designs for each patent, identify critical gaps in the complainants' infringement theories, and locate key prior art that bolstered Verkada's defense. After hearings before an administrative law judge and the full Commission, the Commission issued a final determination that handed Quinn Emanuel and Verkada a complete defense victory—a rare outcome for a respondent at the ITC.
- We represented **Wisk Aero** in a trade secret misappropriation and patent infringement case against competitor Archer Aviation, filed in the Northern District of California. Wisk is a subsidiary of Boeing and a pioneer in the development of electric vertical takeoff and landing (eVTOL) aircraft. In April 2021, after discovering that a former employee downloaded thousands of files containing valuable trade secrets shortly before leaving for Archer, and suspicious activity by other former employees who joined him, Wisk filed its lawsuit against Archer. In response, Archer revealed that it, and three of its employees, had received federal grand jury subpoenas related to a government investigation. In addition, the FBI executed a search warrant at the residence of one of Archer's employees. During discovery, the engineer who downloaded thousands of files invoked the Fifth Amendment in response to questioning. In August 2023, one month before trial, the parties settled the matter, with Archer agreeing to compensate Wisk and make Wisk its exclusive provider of autonomy technology in the future to support pilotless aircraft.
- We represent **Salesforce** in a patent infringement case brought by WSOU Investments LLC (d/b/a Brazos Licensing and Development) relating to Salesforce's AI-powered product Journey Builder with Einstein STO. We obtained a summary judgment win on non-infringement in the Western District of Texas; the matter is now on appeal.
- 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 secured a critical win for **Salesforce** in a long-running patent case against Applications in Internet Time alleging Salesforce infringed two patents directed to intelligent agents for automatically detecting changes to business requirements and incorporating such changes into applications. After more than a decade of litigation, including three trips to the Federal

Circuit, we obtained dismissal of the suit for lack of subject matter jurisdiction. The matter is now on appeal.

- 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; JAMS), we represented **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. Primer's technology is deployed by some of the world's largest government agencies, financial institutions, and Fortune 50 companies. We defeated Quid's motion for a preliminary injunction against all our clients and successfully moved to compel arbitration of Quid's claims against Dr. Gourley. We arbitrated those claims in a six-day hearing. The arbitrator denied any actual damages award to Quid and awarded only a single dollar (\$1) as nominal damages for what the arbitrator said was a purely "technical" breach of Dr. Gourley retaining Quid information post-employment. Dr. Gourley was declared the "prevailing party" in the arbitration and was awarded all his fees—more than \$6 million plus interest.
- In *WeRide v Allride, Jin Wang, Kun Wang and ZZX, Inc.* (N.D.Cal.), we represented **WeRide**, a cutting edge, AI-based, Level 4 autonomous vehicle developer and manufacturer in a 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 focused on WeRide's proprietary and secret AI-centric autonomous vehicle source code, neural network, and related information. The case settled on confidential terms after the Court issued two preliminary injunctions and then terminating sanctions against the defendants, and awarded WeRide its attorneys' fees. The court's various rulings in this case have been widely cited in trade secret and spoliation matters in recent years.
- 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 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.

"The law firm demonstrates impressive attention to detail and understanding of technical and legal concepts."

Client Testimonial, *Chambers and Partners*