

On Appeal, Latham Locks Up Win for Dubai Bank

By Jenna Greene
August 9, 2018

Latham & Watkins litigators sealed a mega-win for Emirates NBD Bank in a trade secrets case, persuading the Ninth Circuit to affirm a 2016 jury verdict.

Emirates was sued by InfoSpan Inc., which claimed the Dubai-based bank stole proprietary technology for a system to allow foreign workers to easily and cheaply send funds back to relatives in their home country. Represented by Boies Schiller Flexner's William Isaacson, the company wanted more than \$500 million in damages.

I wrote about the case at the time. Isaacson in his closing played to the jurors' sympathies for a plucky American entrepreneur. "This was about hard work and what happens when your work is destroyed and taken, how you're entitled to be treated under the laws of the United States," he told the Orange County, California federal jury two years ago.

But Latham's Kathryn Rummeler systemically dismantled InfoSpan's case. "There are at least five fatal flaws ... and any one of those alone sinks his case. Any one," she said, according to the transcript.

The jury found across the board for Emirates.

InfoSpan appealed, to no avail. In an unpublished memorandum disposition, the Ninth Circuit panel found InfoSpan was "not prejudiced by the adverse evidentiary rulings and the jury was properly instructed."

"In contrast to the voluminous evidence establishing the Bank's defense, the allegedly prejudicial evidence was thin and briefly touched upon in the course of a ten-day trial," the panel found. "Accordingly, even assuming the trial court erred in its evidentiary rulings, any errors were 'more probably than not harmless.'"

The Latham team on appeal included partners Dan Schecter and Michael Bern and associate Nima Mohebbi.

Jenna Greene is editor of The Litigation Daily and author of the "Daily Dicta" column. She is based in the San Francisco Bay Area and can be reached at jgreene@alm.com.