

# Daily Journal

OCTOBER 9, 2019

## TOP TRADE SECRETS LAWYERS 2019

### Douglas E. Lumish

Lumish has striven to be a good lawyer in his storied career and by his definition, it means three things: academic curiosity, storytelling ability and flexibility.

With a variety of high-profile and complicated intellectual property cases to argue, Lumish has had to rely on these traits to adapt to ever-changing technology and the lawsuits they create. One such case is a trade secret and contract action case involving two Silicon Valley giants.

Lumish leads the Latham team defending software cloud company Arista Networks Inc. against action brought by software developer OptumSoft Inc. over an alleged breach of a license agreement and trade secret misappropriation. Arista was founded by Andy Bechtolsheim and David Cheriton. The latter also founded OptumSoft.

Cheriton licensed OptumSoft software to Arista with the provision that any improvements or modifications to the software would be shared with OptumSoft. Lumish and his team took the case to trial, where he successfully showed the Arista software in question was not the OptumSoft software, but rather a new product Arista created. *OptumSoft Inc. v. Arista Networks Inc.* 1-14-CV-263257 (Santa Clara Super. Ct., filed April 4, 2014)

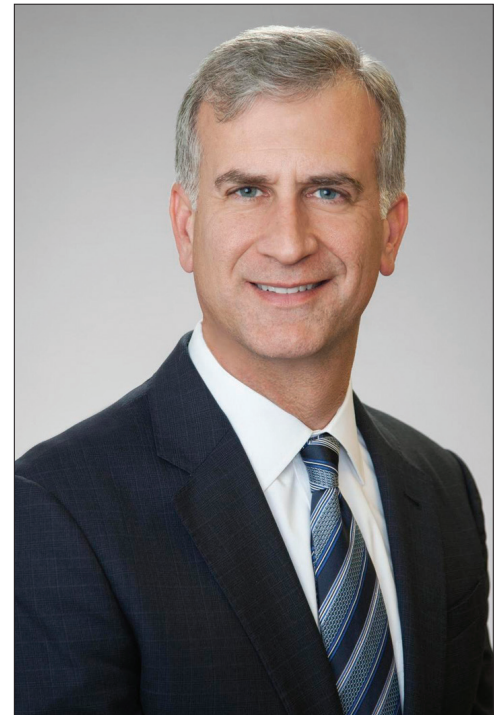
Lumish said cases like the Arista dispute showcase the legal challenges involved with complex intellectual property and trade secrets cases.

“In the crucible of trial, when you have all of this chaos of witnesses and documents and things that are happening, to keep control of that, to bring that down to a story with a central theme that carries through, that you can start with and end with, is really, really hard work,” Lumish said. “The stakes are really high. The ramifications of failure are terrible and the success we’ve had there just generally across many clients I’d say I’m most proud of.”

FIRM  
**Latham & Watkins LLP**

CITY:  
**Menlo Park**

SPECIALTY:  
**Intellectual property,  
patent and trade secret  
litigation**



Outside the courtroom, Lumish is a member of the Silicon Valley Intellectual Property Law Association, the Federal Circuit Bar Association and the Sedona Conference, an educational initiative focused on legal research of intellectual property and antitrust issues.

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actually all working together to advance the law, to advance the status of lawyers ... then it’s a lot bigger and better than just the job that you clock-in in the morning and clock-out in the evening,” Lumish said. “There are a lot easier ways to make a living, I think, than be-

ing a lawyer — in particular being a trial lawyer. But this one can be particularly rewarding, especially because of the impact you can potentially have on people’s businesses and their lives.”

— Nicole Tyau