

Representative Cases Involving Higher Education

- We successfully represented **The Broad Institute** in an action before the Patent Trial and Appeal Board (“PTAB”). The PTAB confirmed The Broad Institute’s entitlement to foundational patents and found plaintiffs’ claims to the same invention unpatentable.
- We successfully represented **Johns Hopkins University** in a lawsuit filed against the Department of Homeland Security (DHS) and US Immigration and Customs Enforcement (ICE) in the U.S. District Court for the District of Columbia, seeking emergency injunctive relief against a Directive which would have threatened to strip thousands of its international students of their F-1 visa status. The July 6, 2020 Directive issued by ICE reversed prior March 2020 Guidance, which—in recognition of the COVID-19 emergency transitions to remote learning—permitted F-1 students to remain in the country even as all of their classes transitioned online. The July Directive would have nullified the March Guidance, despite the ongoing COVID-19 emergency, and would have forced F-1 students taking an entirely online course load to leave the country. The Directive would also have mandated that universities certify within barely a week whether they would transition entirely online for the fall term. We sought a motion for a temporary restraining order and permanent injunction. Multiple parallel suits were filed by other universities and over 17 states (joined by over 200 amici). Before our motions could be heard, the government capitulated, agreeing to rescind the July 6 Directive and reinstate the earlier guidance permitting international students at U.S. schools to continue remote learning.
- We represent **Duke University, Johns Hopkins University, Boston University, Brandeis University, Johnson & Wales University, Roger Williams University, Merrimack College, the Pratt Institute**, among other schools, in over a dozen student tuition and fee refund class actions asserting a variety of claims in response to university and college transitions to remote learning as a result of the COVID-19 pandemic. Several suits filed against our clients have been voluntarily dismissed; the remainder of these lawsuits are ongoing.
- We represented **Duke University** and **the University of Massachusetts** system in a series of intellectual property litigations stemming from allegations of copyright and trademark infringement, as well as trade secret misappropriation. Both litigations have been voluntarily dismissed.
- The firm secured a \$1.1 billion verdict for **Caltech** against Apple and Broadcom for infringement of three patents relating to an error correction technology that was used in Apple and Broadcom’s Wi-Fi devices. Quinn Emanuel handled the case from the very beginning and guided it through nearly four years of litigation before trial. The trial win was preceded by a number of significant wins on summary judgment, including the elimination of Apple and Broadcom’s invalidity and inequitable conduct defenses.

- We orchestrated a novel and unprecedented class action settlement in the *Tyndall* matter, which significantly capped exposure for the **University of Southern California (“USC”)** for sexual assault claims by a class of nearly 18,000 women over the alleged misconduct of a university former gynecologist. We also represented USC in over 100 individual suits stemming from the same types of claims asserted by over 700 individual plaintiffs. Those litigations are ongoing.
- We represented **USC** against its former head football coach, Steve Sarkisian, in a suit filed by Sarkisian after he was terminated in October 2015. Sarkisian’s firing came after a series of public incidents involving Sarkisian’s apparent use of alcohol and resulting media speculation. After being terminated and completing inpatient rehabilitation treating, Sarkisian—claiming he was improperly terminated due to his alcoholism—brought claims against USC for wrongful termination, disability discrimination, failure to engage in the interactive process, failure to accommodate, breach of contract, breach of the implied covenant of good faith and fair dealing, invasion of privacy, and negligence. Sarkisian sought over \$50 million from USC. After a seven-day arbitration, the arbitrator denied each of Sarkisian’s claims, resulting in a complete victory for USC.
- We secured a unanimous 7-0 victory in the California Supreme Court for the **University of Southern California** in *Sargon Enterprises v. USC*, a landmark decision holding that state trial courts have a duty to act as “gatekeepers” in excluding speculative and unreliable expert testimony. Upholding the firm’s successful exclusion of a lost profits expert in the trial court, the California Supreme Court ruled that there was no reliable basis for an expert’s opinion that a tiny start-up dental implant company would have achieved the same market share as global industry leaders and earned up to \$1.2 billion in profits had USC timely completed a clinical study. The decision will have significant implications for business litigation in California because it gives state courts control over expert testimony similar to that of federal district courts, thus reducing incentives for forum-shopping in complex cases in which expert testimony plays an important role.
- We represented the **University of Southern California** and a team of Alzheimer’s disease researchers recruited from the University of California San Diego (“UCSD”) in defense of an action brought by the Regents of the University of California. The case involved novel questions related to ownership of clinical research data and computer systems designed to manage such research. After more than four years of litigation, which saw the case removed to federal court early in the proceedings but then remanded to state court only months before it was set for trial, the parties reached a settlement.
- Our client, the **University of Southern California**, purchased a church located on its campus. One of the church members, who was outvoted in approving the sale, alleged that the church violated a restrictive covenant in the deed as well as its own bylaws by selling to USC. After defeating the church member’s attempts to secure a preliminary injunction and prevent the deal from closing, we obtained an early dismissal of the case through a demurrer and a motion for summary judgment. The church member appealed, but we prevailed on appeal as well.
- We successfully represented **The Broad Institute** et al. in an appeal to the U.S. Court of Appeals for the First Circuit, which sought to reverse the district court’s denial of a petition for discovery for use in opposition proceedings in the European Patent Office. On behalf of

Intellia, George Schlich had sought revocation of four of the Broad Institute's European patents pertaining to CRISPR Cas9 DNA editing tools. CRISPR is a revolutionary genome-editing tool that holds great promise for curing genetic diseases and cancers. While opposition proceedings were pending in the EPO, Schlich filed a petition for discovery under Section 1782 in the District of Massachusetts. We defeated Schlich's petition in the district court by demonstrating that requested discovery was irrelevant to the EPO proceedings. In a decision published on June 20, 2018 that addressed the standard for relevancy under Section 1782, the First Circuit agreed that the discovery sought was irrelevant and affirmed the district court's decision in full.

- We represented **The Broad Institute, Inc.** in a patent interference requested by the University of California and Emmanuelle Charpentier in order to challenge key Broad patents directed to use of the breakthrough CRISPR gene-editing technology. We obtained a victory as the PTAB declared there was no interference in fact and dismissed the interference, thereby allowing our client to retain its key eukaryotic-related patents. The PTAB decision was widely reported in the press, where it was described as "A Knockout in the Biotech Fight of the Century" (Fortune) and "a blow to the University of California" in "a bitterly fought dispute" (The New York Times).
- We represented **Stanford University** and **Northrop Grumman** in patent litigation, recovering settlements totaling more than \$170 million from the world's major telecommunications companies, including seven consent judgments in favor of Northrop Grumman and their licensor, Stanford University.
- We conducted an internal investigation for **a major university** in advance of national media publication of allegations that approximately 50 former athletes had been molested by a coach in the 1980s. Facing the challenge of pending publication we were forced to work without the list of alleged victims whose stories would soon be public. We coordinated seamlessly with the university's board counsel and administration to manage a cohesive and sensitive communications and public relations strategy while our investigation spanned decades-old University records and documents, and involved interviews of former students, coaches, faculty, administrators now located all across the country.
- We represent the **University of Oklahoma** in a dispute over a \$250 million mixed-use dorm for upperclassmen known as Cross Village ("Cross"). Provident agreed to develop, own, and operate Cross for over 50 years using a bond offering to raise the \$250 million. After the dorm did not perform as expected, never reaching occupancy levels above 35%, Provident and the bondholders demanded that the University undertake a number of extra-contractual actions to support Cross, including renewing leases for the commercial and parking spaces at Cross that were not benefiting the University. After we successfully defeated the media and lobbying efforts of Provident and the bondholders to pressure the University, Provident filed a lawsuit asserting claims against the University seeking damages for the University's failure to renew the commercial and parking leases, the return of a \$10 million lease payment to the University, damages for the University's refusal to allow freshmen to live at Cross, and rescission of the ground lease. The claims include breach of contract, promissory estoppel, unjust enrichment, constructive trust, and money had and received. The parties are briefing the University's motion to dismiss all claims.

- We represented **HotChalk**, a provider of administrative services for online educational institutions in a consumer class action brought by two former students of an online university, both of whom received Masters Degrees in Education. Despite the fact that they had matriculated and obtained degrees, which they were using to advance their professional careers, plaintiffs claimed that they, and every member of their putative class, should be refunded their full tuition because HotChalk allegedly had cold-called them, and had failed to reveal its role in the online university. They alleged claims under the Arizona Consumer Protection Act and the Arizona Consumer Fraud Act. The Northern District of California granted our motion to dismiss, giving plaintiffs leave to amend. After plaintiffs filed their amended complaint, we filed a renewed motion to dismiss. Just days before the hearing, plaintiffs offered to settle the case and ultimately gave HotChalk a dismissal with prejudice in return for \$35,000.
- We represented **Soka University of America** against Shogakukan, Inc. and Kazumoto Ohio on appeal to the Ninth Circuit, which unanimously upheld the district court's decision and the attorneys' fees award, adopting in full our arguments regarding the nature of the statements published by our client. Following this victory, the plaintiff agreed, without the necessity of motion practice, to pay nearly all of our attorneys' fees incurred defending the appeal, as well as dropping any further challenge to the ruling or the attorneys' fees award by the district court.
- We won a patent inventorship trial for **Caltech**, for whom the DNA sequencer patents represent an important source of funds and prestigious accomplishment. At issue in the case was the validity of Caltech's patents for the DNA sequencer, which was used to decode the human genome and represents one of the most significant scientific inventions of the 20th century. The trial included the presentation through lay and expert testimony of technical scientific issues related to the development and function of the sequencer. At the conclusion of the trial, U.S. District Judge Mariana Pfaelzer ruled for the defense on all claims. Judge Marianna Pfaelzer, one of the most experienced and respected judges in the Central District of California, praised our lead trial attorney and the other lawyers for their skillful trial presentations. Specifically, she stated after the closing arguments that the case was "very interesting" and "it was wonderfully presented on both sides." She added that "Very rarely have I ever had a chance to see anything presented like this...so I thank you."
- We represented **Caltech** in this patent infringement litigation against Hughes Communications and Dish Network involving error correction codes developed by inventors at Caltech and used in satellite broadband communication standards. Defendants moved for summary judgment alleging that the claims were not patent eligible. The Court denied Defendants' motion in a widely-cited decision relating to Section 101. The case settled after the completion of expert discovery.
- We represented **Caltech** against Suvir Venkataraman, where we obtained the dismissal of a mandamus action by the plaintiff seeking to overturn Caltech's decision involving alleged research misconduct.
- We represented **Caltech** involving an undergraduate student's mandamus action challenging Caltech's decision involving student misconduct, filed by Alexa Parker. The case settled, resulting in dismissal.

- We have counseled **Caltech** over time concerning its contract with NASA for operation of the Jet Propulsion Laboratory.
- One of our partners represented **Columbia University** in an employment discrimination case filed by an employee who claimed that she should have received a job in the newly reorganized office of the Dean of Undergraduate Admissions and obtained summary judgment in favor the University, which was affirmed by the Second Circuit