



## Luann L. Simmons

Partner

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Luann Simmons, Managing Partner of O'Melveny's San Francisco office, worked for several years as a software developer and software development manager before attending law school. At O'Melveny, Luann uses her strong background in physics and computer science to assist technology clients in the enforcement, defense and litigation of patent, trade secret, copyright, and other intellectual property rights.

The *Daily Journal* recognized Luann as a "2019 Top Women Lawyer" and named Luann to its list of "Top Intellectual Property Lawyers in California" in 2014. The *Recorder* named her to its list of "Women Leaders in Tech Law" in 2017 and 2014. Luann's other honors include recognition in the *Profiles in Diversity Journal* as one of its 2013 "Women Worth Watching" as well as being named a "Super Lawyer" in intellectual property litigation for several years in surveys conducted by *Law & Politics Media Inc.* Her work has been published in *San Francisco Magazine* and the Northern California edition of *Super Lawyers*.

### Experience

- Representing industry-leading computer and electronics company in a patent infringement case involving sixteen asserted patents relating to features of smartphones, tablet devices and MP3 players. (D.Del.)
- Represented industry-leading computer and electronics company in a patent infringement case relating to targeted advertising using location based services. (N.D. Cal.)

### Admissions

#### *Bar Admissions*

California

#### *Court Admissions*

US District Court, Northern, Eastern, and Central Districts of California

US Court of Appeals, Ninth and Federal Circuits

US Supreme Court

### Education

Loyola Marymount University, J.D., 1999: *cum laude*; Order of the Coif

Pomona College, B.A., Physics, 1990: with honors

- Represented industry-leading computer and electronics company in a patent infringement case relating to patents for audio and video systems and devices. (N.D. Cal.)
- Represented online video service client in a patent infringement case relating to online advertising technology. Obtained summary judgment of invalidity based on the Supreme Court's decision in the *Bilski* matter. This case was settled on terms favorable to the client. (C.D. Cal.)
- Represented Internet search company in a patent infringement case relating to Internet mapping technologies and related database technologies. We filed an *inter partes* re-examination that resulted in the invalidation of all claims of the asserted patent. The litigation was subsequently dismissed with prejudice. (E.D. Tex.)
- Represented global consumer electronics company in a patent infringement case relating to touch-pad technology used in handheld, portable devices. (E.D. Tex.) This case was settled on terms favorable to the client.
- Represented Internet search company in a patent infringement case relating to e-commerce technology. (E.D. Tex.) This case was settled on terms favorable to the client.
- Represented industry-leading computer and electronics company in a patent infringement case relating to anti-virus and firewall technology. (E.D. Tex.) This case was settled on terms favorable to the client.
- Represented industry-leading computer and electronics company in a patent infringement case relating to parental controls used to restrict viewing of movies and television shows. (C.D. Cal.) We were selected to serve as lead counsel for a joint defense group of approximately 20 other defendants and, in that role, directed the overall strategy of the defense. This case was settled on terms favorable to the client.
- Represented electronic design automation company in a patent infringement case relating to automated design of integrated circuitry. (N.D. Cal.) After favorable Court rulings on ownership and inventorship issues, the case settled on terms favorable to the client.
- Represented industry-leading computer and electronics company, and directed a team defending thirty technology companies, in litigation claiming that products implementing the IEEE 1394 serial bus standard infringed the plaintiff's patent. (S.D.N.Y.) The Court granted defendants' motion for summary judgment, and the Federal Circuit unanimously affirmed.
- Represented high-performance analog and mixed-signal semiconductor manufacturer in a trade secret misappropriation and copyright infringement action involving semiconductor device hardware and software for the digital media and communications markets. (N.D. Cal.) After defeating plaintiff's motion for preliminary injunction, the case was settled on terms favorable to the client.
- Represented electronic design automation company in a patent infringement action relating to the simulation and emulation of integrated circuit design. (N.D. Cal.) Obtained a dismissal for lack of standing in the initial action brought in the Eastern District of Texas, then prevailed on motion for summary judgment in the California action, leading to dismissal of all claims.
- Represented one of the world's largest financial institutions in a copyright infringement action relating to software used for wireless online banking systems. (E.D. Cal.) The case was settled on terms favorable to the client.

- Represented custom computer programming company in a patent infringement case relating to the simulation and emulation of integrated circuit design. (N.D. Cal.) The District Court issued a favorable claim construction ruling that adopted virtually all of the positions advanced by the client after which the case settled on terms favorable to the client.
- Represented technology provider of embedded connectivity software in a trade secret misappropriation and copyright infringement case relating to embedded Internet browser software. (N.D. Cal.) Succeeded in having several claims, including the trade secret misappropriation claim dismissed, after which the parties settled on terms favorable to the client.
- Represented industry-leading computer and electronics company in a derivative lawsuit, and in a related securities class action, relating to the company's historic stock option granting practices. (N.D. Cal.)
- Represented the same company in a trademark action relating to the client's name for its combination mobile phone, music player, and Internet communications device. (N.D. Cal.) Negotiated a very favorable settlement for the client before having to respond to the complaint.
- Represented the same company in trade dress and design patent litigation related to personal computer products. (N.D. Cal.) The court enjoined the opposing party from selling or distributing its infringing product, and the case was later settled on favorable terms.
- Represented the same company in a trademark infringement action alleging that the client's operating system infringed plaintiff's trademark. Following a bench trial, the district court ruled in the client's favor, and the decision was affirmed on appeal.

## Professional Activities

### Board Member

- Women in Law Empowerment Forum (2014-2017)
- Tenderloin Health (2008-2009)

### Speaking Engagements

- Panelist, "The Section 101 Struggle: Patent-Eligibility Under 35 U.S.C. 101," Federal Circuit Bar Association's Bench & Bar Conference (Jun. 12, 2019)

## Honors & Awards

- Recognized as a "2019 Top Women Lawyer," *The Daily Journal* (2019)
- Named to the list of "Women Leaders in Tech Law," *The Recorder* (2014, 2017)
- Named as one of the "Top Intellectual Property Lawyers in California," *The Daily Journal* (2014)
- Recognized as a "Women Worth Watching," *Profiles in Diversity Journal* (2013)
- Consistently ranked as a "Super Lawyer" in Intellectual Property Litigation, *Law & Politics Media Inc.*