Raymond A. LaMagna

Of Counsel

rlamagna@gibsondunn.com
T: +1 213.229.7101
Los Angeles



Raymond LaMagna is Of Counsel in the Los Angeles office of Gibson, Dunn & Crutcher and a member of the firm's Litigation department.

Raymond has been recognized by *Super Lawyers* as a "Rising Star" in Intellectual Property Litigation from 2012 to 2016.

Raymond's practice focuses on complex intellectual property and technology litigation. He has represented research universities and numerous Internet, technology, and media companies in patent litigation and licensing matters, and in antitrust, trademark, unfair competition, false advertising, copyright, contract, and trade secret actions. Raymond's practice also extends to appellate advocacy, including in briefing before the United States Court of Appeals for the Ninth and Federal Circuits and before the United States Supreme Court.

Representative Matters:

- Defend Facebook and Instagram against advertiser claims for breach of contract, unfair competition, and tortious interference, obtaining a favorable early ruling denying a preliminary injunction and confirming Meta's right to control advertising activities on its sites, resulting in dismissal of all claims (*Putian Authentic Enter. Mgmt. Co. v. Meta Platforms, Inc.*).
- Defend Netlist before the U.S. Patent Trial & Appeal Board in IPRs brought by Samsung Electronics Co., resulting in a Final Determination holding that none of the claims of Netlist's U.S. Patent 10,217,523 were shown to be unpatentable (*IPR2022-00063*).
- Represent Fitbit in multi-patent ITC investigation initiated by Koninklijke Philips NV, obtaining determination of ineligibility, invalidity, and/or non-infringement on all asserted claims, with Commission affirmance of same, followed by successful representation and affirmance in the Federal Circuit (*The Matter of Certain Wearable Monitoring Devices, Systems, and Components Thereof*).
- Defend leading U.S. multinational technology company against patent infringement and antitrust claims asserted against its single sign-on authentication technology, obtaining determination of patent ineligibility and dismissal of all claims on a motion to dismiss (later also affirmed by the Federal Circuit).
- Represent Sharp Corporation in international arbitration over technology licensing and antitrust dispute, obtaining successful resolution and avoidance of over $750M in damages claims.
- Represent Taiwan-based consumer electronics manufacturers (Foxconn, Pegatron, Compal, and Wistron) in multi-billion-dollar action and counterclaims asserting antitrust, breach of contract, FRAND, and patent claims in litigation against wireless technology licensor (*In re Qualcomm Litigation*).

Capabilities

Intellectual Property
Appellate and Constitutional Law
Artificial Intelligence
Consumer Protection
Life Sciences
Litigation
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
Tech and Innovation
Technology Litigation

Credentials

Education

University of Southern California - 2006
Juris Doctor

University of Southern California - 1989
Bachelor of Arts

Admissions

California Bar

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GIBSON DUNN

- Represent *Nippon Steel* in multi-jurisdictional patent infringement and trade secrets litigation resulting in a $250 million settlement in client's favor, including managing U.S. litigation and advising on copending PTO, foreign, and appellate proceedings (*Nippon Steel & Sumitomo Metal v. POSCO*).
- Represent Discovery Communications in various intellectual property matters, including in patent litigation with Personal Audio, in which Personal Audio dismissed all claims against Discovery (*Personal Audio v. Howstuffworks.com*).
- Defend VIZIO, Inc. and coordinate joint-defense group in multi-patent litigation over LED backlight technology, managing all aspects of case (*Delaware Display Group et al. v. VIZIO, Inc.*).
- Represent multiple media companies in district court, Federal Circuit, and Supreme Court writ proceedings involving patent infringement claims, resulting in favorable resolution for clients (*1st Media v. Electronic Arts Inc., Harmonix Music Systems, Inc.,* and *Viacom, Inc*.).
- Defend pharmaceutical company in patent litigation against interferon-beta drug products; including developing unenforceability and invalidity defenses for case (*Biogen Idec MA v. EMD Serono, Inc*.).
- Defend Viacom and Discovery Communications against patent infringement claims asserted against delivery of video and advertising via the Internet, resulting in favorable resolution for clients (*Intertainer v. Viacom, Inc.* and *Discovery Communications, LLC*).
- Represent leading Internet company in multi-jurisdictional federal and state litigation involving trademark, false advertising, unfair competition, copyright, and contract claims (*CoStar v. LoopNet*).*
- Represent PDL BioPharma in patent litigation involving methods of antibody humanization and design asserted against the RSV biologic Synagis®, including obtaining summary judgment on unenforceability and recoupment claims (*MedImmune, LLC. v. PDL BioPharma*).*
- Represent University of Pennsylvania in patent infringement claims covering methods of inhibiting recurrence of HER2-related breast cancer asserted against Herceptin®, a leading biologic (*Genentech, Inc. v. Trustees of University of Pennsylvania*).*
- Represent ARIAD Pharmaceuticals, Harvard University, MIT, and Whitehead Institute in patent litigation over therapies for intracellular signal modulation, including Enbrel® (*Amgen, Inc. v. ARIAD Pharmaceuticals, Inc.*).*

**Representation involving prior employment*

Pro Bono:

- Advise Tahirih Justice Center on impact litigation against Department of Homeland Security to end DHS procedures illegally impairing asylum seekers from gaining access to the U.S. asylum process.
- Represent children in asylum and immigration proceedings in cooperation with Kids In Need of Defense (KIND); successfully obtain asylum for victims of gang violence in Central America.
- Represent National Association of Counsel for Children, including in briefing before the Supreme Court regarding the testimonial capacity of children (*Giles v. California*, 554 U.S. 353 (2008)).*

Publications:

- "The History of Children's Hearsay: From Old Bailey to Post-Davis," 82 Ind. L. J. 1029 (2007) (with Thomas D. Lyon, Ph.D); reprinted in *Hearsay Evidence: Limits and Limitations* (2008); cited by the Supreme Court in *Ohio v. Clark*, 135 S. Ct. 2173, 2182 (2015).

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- “(Re) Constitutionalizing Confrontation: Reexamining Unavailability and the Value of Live Testimony,” 79 S. Cal. L. Rev. 1499 (2006).

Raymond received his Juris Doctor at the University of Southern California where he was articles editor of the *Southern California Law Review*. He graduated Order of the Coif and received the James C. Holbrook Award. The Los Angeles Copyright Society also honored him with the Peter D. Knecht Award for excellence in contract, entertainment, and copyright law. Raymond has a Bachelor of Arts in Cinema/Television Production from the University of Southern California. Prior to becoming a lawyer, he produced motion picture advertising and was a small business entrepreneur.

Raymond is admitted to practice in state and federal courts in California, the United States Court of Appeals for the Federal Circuit and the Ninth Circuit, the Eastern District of Texas, and the Northern District of Illinois.

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