

# Brooke Myers Wallace

## Associate Attorney

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Los Angeles

Brooke Myers Wallace is a senior associate in the Los Angeles office of Gibson, Dunn & Crutcher, and a member of the Litigation and Intellectual Property Departments. Her practice focuses on the tech industry. She has extensive experience in state and federal court.

Brooke has represented high-profile clients in the tech industry in a variety of lawsuits and government inquiries on a wide range of issues including patent, copyright, and trademark infringement; data privacy; trade secret misappropriation; consumer fraud; product liability; and attorneys' fees.

### *Trial Experience*

- Secured a \$7.9 million jury verdict and a \$3.6 million directed verdict against Monster LLC on behalf of Beats Electronics in California state court.
- Two-week jury trial in the Central District of California; represented a medical device company asserting claims of trade secret misappropriation, breach of contract, and interference with prospective economic advantage.
- First chair in bench trial. Successfully obtained permanent restraining order for pro bono client.

### *Other Representative Accomplishments*

- Decreased confidential client's damages exposure by 25% by persuading Northern District of California court to reject district precedent on patent marking.
- Persuaded first Northern District of California court, and only the second court in the country, to exclude survey-based valuation of a patent, reducing client's damages exposure by \$62 million.
- Convinced first ever district court to extend Federal Circuit precedent to exclude economic model used to value patent, reducing client's damages exposure by 80% (\$335 million).
- Persuaded Eastern District of Texas court to preclude plaintiff from touting at trial the results of prior successful litigation against her client, leading to a favorable settlement days before trial.
- Invalidated three patents based on claim construction that established patents did not cover client's sophisticated computing products.
- Negotiated a favorable consent judgment with the Federal Trade Commission on behalf of a confidential client in a data privacy case.

### *Publications and Presentations*



## Capabilities

Litigation  
Consumer Protection  
Intellectual Property  
Media, Entertainment, and Technology  
Tech and Innovation  
Technology Litigation

## Credentials

### Education

Loyola Marymount University - 2008 Juris Doctor  
Brown University - 2002 Bachelor of Arts

### Admissions

California Bar

- Author, "Clarity at Long Last: Post-Verdict Compensatory Patent Infringement Damages," Patent, Trademark, & Copyright Journal (Bloomberg BNA, September 15, 2017).
- Author, "How to Get a Patent Survey Kicked Before Trial," Law360 (August 16, 2017).
- Author, "The Continued Relevance of the Intellectual Property Umbrella: What Patent, Copyright, and Trademark Lawyers Can Learn from One Another," Patent, Trademark, & Copyright Journal (Bloomberg BNA, August 8, 2017).
- Co-author with William C. Rooklidge, "Patent Assignments and Licenses: The Grant Clause and Related Patents," Patent, Trademark, & Copyright Journal (Bloomberg BNA July 13, 2017).
- Author, chapter on patent law in Fashion Law and Business: Brands and Retailers, by Lois F. Herzeca and Howard S. Hogan (Practising Law Institute (2013).
- Co-author with Jennifer Reardon, "Non-Party . . . Party? When It Comes to Deleted ESI, Is There a Difference Anymore?" (Bloomberg BNA 2014).
- Co-presenter with Dana Lynn Craig, "What Is E-Discovery?" (Orange County Bar Ass'n 2017).
- Author, "Treaties and Federal Question Jurisdiction: Enforcing Treaty-based Rights in Federal Court," Loyola of Los Angeles L.R. (2007).
- She is also a regular contributor to the firm's client alerts relating to intellectual property and e-discovery law developments.

Brooke earned her law degree in 2008 from Loyola Law School, where she graduated magna cum laude and Order of the Coif. She served as an Editor of the Loyola of Los Angeles Law Review. Brooke received a Bachelor of Arts degree in 2002 from Brown University with a major in Environmental Studies.

She is admitted to practice in the State of California. Brooke is also admitted to practice at the Federal Circuit, and in the Central and Northern Districts of California and the Eastern District of Texas.

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