

Mark Lambert

Partner



mlambert@cooley.com

+1 650 843 5003

Palo Alto

Commercial Litigation
M&A Disputes
Trade Secret Litigation and Dispute Counseling
Virtual Reality/Augmented Reality
Sports+

Mark represents technology, life sciences and medical device companies in a diverse range of cases involving complex business transactions, licensing and earn-out disputes, founders' disputes, competition and intellectual property. He has trial experience in cases involving trade secrets, business torts, copyright, patents, IP licensing, and unfair business competition disputes for clients in a wide range of industries.

Recent accomplishments include the following:

- Total victory for Facebook and Palmer Luckey, co-founder of Oculus and inventor of the Rift virtual reality set, in a jury trial for an inventorship dispute over the Rift.
- Led global investigation involving allegations of sexual assault by a soccer superstar who served as a brand ambassador on behalf of a major athletic apparel and footwear company.
- \$30 million victory for selling shareholders in life sciences company, enforcing milestone payment obligations against acquirer.
- Arbitration victory reinstating American track & field coaching legend Vin Lananna as President and Board Chair of USA Track & Field, Inc., in a governance dispute with the USATF Board over his wrongful removal in violation of company bylaws.
- Permanent injunction for a leading licensor of encryption technology used on optical storage media, after a monthlong trial.
- Summary judgment and multimillion-dollar fee award in earn-out dispute for medical device company.
- Permanent injunction for an online social networking company against a competitor in an action asserting Computer Fraud and Abuse Act and breach of browse wrap user agreement.
- Preliminary injunction affecting two target product lines on behalf of a technology licensor. The product lines in question represented a significant threat to the effectiveness of standardized encryption technology protecting media distributed on optical discs.
- Summary disposition in favor of client against copyright and trade dress claims, in which the plaintiff was seeking an injunction directed at financial services software and eight-figure damages.

Mark has published and publicly presented on a range of topics, including new developments in internet service provider liability, remedies provisions in technology licenses, and legislative reform and new developments in approaches to patent damages.

Mark also serves on the Board of Directors of USA Track & Field Foundation, Inc., a

philanthropic organization that supports elite and Olympic hopeful US track and field athletes and youth fitness programs aimed at underrepresented communities. While in law school, he served as an executive editor of The Hastings International and Comparative Law Review and as extern to San Francisco Superior Court Judge A. James Robertson II. Prior to law school, Mark taught high school English literature at St. Mark's School of Texas.

Education

University of California, Hastings College of the Law (now UC Law San Francisco) JD, 1998

Middlebury College MA, 1997

University of California, Berkeley BA, 1991

Admissions & Credentials

California

Court Admissions

US District Court for the Central District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the Eastern District of Texas

US Court of Appeals for the Ninth Circuit