

# Daily Journal

SEPTEMBER 25, 2024

## TOP 40 UNDER FORTY 2024



Knobbe Martens  
SAN DIEGO • AGE 39

### Adam Powell

senior partners at Knobbe taught me that, while those traits can be valuable, they can also be paralyzing and off-putting to clients.”

One of Powell’s notable cases involved the interplay between trade secrets and patents. Powell represented Masimo, whose former CTO had filed secret patent applications claiming the company’s trade secrets. *Masimo Corp. et al. v. True Wearables, Inc.*, 8:18-cv-02001 (C.D. Cal., filed Nov. 8, 2018.)

Understanding the urgency to protect this information, Powell’s team successfully obtained a preliminary injunction to prevent the U.S. Patent Office from publishing the patents. They then defended the injunction at the Federal Circuit, a court specializing in patent law but with less experience in California trade secret claims.

“We convinced the Federal Circuit to distinguish between Federal and California trade secret law and hold that, in California, a defendant can be liable for stealing trade secrets even if they could have obtained the information lawfully,” Powell said. “Our team then prevailed at trial and obtained a final judgment requiring the defendant to abandon the patent applications so they would never become public.”

Powell is also representing Masimo and Cercacor Laboratories in multiple forums against Apple. He serves as co-lead counsel in a trade secret case in the Central District of California, where

Masimo and Cercacor are seeking more than \$1 billion. *Masimo Corp. et al. v. Apple, Inc.*, 8:20-00048 (C.D. Cal., filed Jan. 9, 2020).

The case alleges that Apple acquired trade secrets from Cercacor’s former chief technical officer and Masimo’s former chief medical officer. Powell played a key role in the April 2023 jury trial, which will be retried in November 2024 due to a hung jury.

In a related proceeding, the International Trade Commission issued an exclusion order in October 2023, resulting in an import ban on certain Apple Watch models found to infringe Masimo’s patented pulse oximetry technology.

Powell added that defending against patent claims while pursuing antitrust counterclaims can also be very challenging because arguments typically brought by a patent defendant may be inconsistent with arguments typically brought by an antitrust plaintiff.

“For example, a patent defendant may seek to minimize damages by arguing that many non-infringing alternatives exist,” he said. “In contrast, an antitrust plaintiff will argue that little or no competition exists. In such cases, it is important to take the time to harmonize the evidence and present a single story that is true to the facts and compelling for both the offensive antitrust claims and the defensive patent claims.”