

# Daily Journal

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## TOP TRADE SECRETS LAWYERS 2024

### Brian C. Claassen



**Knobbe Martens**  
IRVINE

**B**rian Claassen has 15 years of experience in producing favorable results for clients in federal courts across the country, before the International Trade Commission and before the Patent Trial and Appeal Board. He had a previous career in researching and developing consumer electronics as an electrical engineer, working on products domestically and internationally.

"For one of those overseas product lines, my colleagues recognized that a

competitor stole one of our designs," Claassen said. "That sparked my interest in intellectual property. I became so interested in the topic that I decided to go back to school. Now, I get the opportunity to passionately advocate for people I directly relate to based on that experience."

In one of his ongoing matters, Claassen co-leads the Knobbe Martens team representing Masimo and Cercacor Laboratories against Apple in various forums, including the ITC, multiple district courts and the PTAB.

In January 2024, the ITC issued an exclusion order resulting in an import ban on certain Apple Watch models found to infringe Masimo's patented pulse oximetry technology.

Claassen also manages the technical trade secrets and patent liability in a related case pending in the Central District of California, where Masimo and Cercacor are seeking over \$1 billion in damages. *Masimo Corp. et al. v. Apple, Inc.*, 8:20-00048 (C.D. Cal., Jan 9, 2020).

"Masimo and Cercacor allege that Apple acquired trade secrets concerning its Apple Watch from Cercacor's former chief technical officer," he said. "Given the high-profile nature of the case, the outcome is likely to carry significance in California trade secrets and employee mobility law."

A separate matter centered around Marcelo Lamego, the former chief tech-

nical officer of Cercacor, who led research and development using Masimo's core technologies. *Masimo Corp. et al. v. True Wearables, Inc.*, 8:18-cv-02001 (C.D. Cal., Nov. 8, 2018).

Lamego left the Masimo affiliate and later launched his own company, True Wearables. Claassen's team obtained a preliminary injunction, ordering Lamego and True Wearables to take all steps necessary to prevent the publication of confidential information in numerous patent applications. The Federal Circuit affirmed in January 2022.

The Federal Circuit explained that under the California Uniform Trade Secrets Act, "the fact that the trade secret has been revealed in some publication somewhere does not necessarily compel a finding that the information cannot maintain its status as a trade secret for a party in an entirely different field from the one to which the publication was addressed."

In the subsequent trial, Claassen secured a ruling that a former executive at Masimo misappropriated trade secrets, breached fiduciary duty and violated employment agreements.

"The court permanently enjoined the sale of products that contained the trade secret technology and [ordered] the former executive to abandon patent applications containing additional Masimo trade secrets," he said.