

Daily Journal

MAY 24, 2017

TOP WOMEN LAWYERS

The Daily Journal's Annual List of Leading Women Lawyers in California

Davida Brook

Brook is an associate, but she's already comfortable navigating high-stakes litigation involving some of the largest figures in the tech and music industries.

Last year Brook played a critical role in securing an appellate victory for Steven Lamar and Jibe Audio LLC in a \$100 million dispute over royalties allegedly owed by Beats Electronics LLC, Dr. Dre and Jimmy Iovine for a series of headphones that Lamar had designed. Brook argued before the court that the language in a 2007 royalty agreement was ambiguous enough to cover the design of the headphones and not just a single product. The case has been remanded for a trial scheduled in the fall. *Jibe Audio LLC et al. v. Pentagram Design Inc. et al.*, B267633 (Cal. App. 2nd Dist., filed Sept. 16, 2016).

As Brook gears up for trial, she is also busy handling the latest step in an acrimonious legal dispute between two billionaires — her client, Louis Bacon, who is the founder of the hedge fund Moore Capital Management, and retail giant Peter Nygard. Brook and a team of Susman



SUSMAN GODFREY LLP

LOS ANGELES

Practice Type: Litigation

Godfrey attorneys argued successfully in a lower court that Nygard's lawsuit infringed on their client's free speech. Nygard's legal team is trying to appeal. *Nygard International Partnership et al. v. Feralio*, B266683 (Cal. App. 2nd Dist., filed Sept. 10, 2015).

Brook is also representing Vaporstream Inc. in a patent infringement case filed earlier this year against Snap Inc., the creator of the popular Snapchat messaging app, which alleges that the company has infringed on patents granted to Vaporstream in July 2005 for its secure messaging products. A motion filed by Snap to dismiss the case is under submission. *Vaporstream v. Snap Inc.*, 17-CV-00220 (C.D. Cal., filed Jan. 10, 2017).

Brook credits her active role in all three cases to Susman Godfrey's practice of staffing matters leanly, giving associates a chance to work closely with partners and make meaningful contributions to cases.

"They love to see associates step up into the role of helping to run trial cases," Brook said. She added that the firm has received positive feedback from judges for giving associates in-depth court experience.

— Eli Wolfe

Daily Journal

MAY 24, 2017

TOP WOMEN LAWYERS

The Daily Journal's Annual List of Leading Women Lawyers in California



Kalpana Srinivasan

Srinivasan tackles high-stakes, high-profile disputes over intellectual property.

She served as co-lead counsel for the rock group The Turtles, best known for the song “Happy Together,” in their copyright infringement class action against *Sirius XM. Flo & Eddie Inc. v. Sirius XM Radio Inc.*, CV 13-05693 (C.D. Cal., filed Aug. 6, 2013).

The class sought payment for royalties for songs recorded before 1972 that were played by Sirius XM. While sound recordings after 1972 fall within the scope of federal copyright law, it’s unclear whether broadcasters have to pay to play recordings made earlier.

A day before Srinivasan was to deliver opening arguments in the California case in November, she helped complete a settlement deal with Sirius XM valued at up to \$99 million. Sirius XM agreed to pay a guaranteed \$25 million for its past broadcasting of pre-1972 sound recordings. The settlement agreement provided for additional compensation depending on

how appellate courts rule in other states.

“That’s been a very special case for me, bringing to bear my experience in class action work with an important area of copyright law,” Srinivasan said. “The case is in the process of the court approving the settlement we reached with Sirius XM.”

The key to obtaining a favorable outcome for the client was finding the existence of performance rights for pre-1972 sound recordings, which the California federal court did find existed, she said.

“Part of it was being able to take on this novel area of law, based on the strong feeling that the owners of these sound recordings are entitled to receive compensation for their work,” she said.

The case was a precedent-setting victory for sound recording copyright owners. Major labels and other copyright holders have followed with their own lawsuits against radio stations and broadcasters. The Turtles also filed a similar lawsuit against Pandora, which is ongoing.

— Jennifer Chung Klam

SUSMAN GODFREY LLP
LOS ANGELES

Practice Type: Litigation