



Sourabh Mishra  
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## Education

Columbia Law School (J.D., 2015)

Dartmouth College (B.A., 2010, Economics and Government) cum laude

## Admissions

California

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Recognized as one of five 2024 “Trials Rising Stars” nationwide by *Law360*, Sourabh Mishra focuses his practice on complex commercial litigation, intellectual property litigation, white collar criminal defense, and investigations. Mr. Mishra represents individuals and companies in complex commercial litigation matters across a wide array of industries, including medical devices, information analytics, food and beverage, telecommunications, biopharmaceuticals, and technology hardware and equipment. In addition, he regularly represents individuals and corporations in connection with complex and sensitive internal investigations and governmental inquiries.

As a valued member of multiple high-profile trial teams, Mr. Mishra is strategic about scrutinizing the key facts and legal issues at stake for his clients, especially with regard to issues that will be critical at trial. Mr. Mishra has experience in all stages of the litigation process, from pre-complaint investigations to post-verdict briefings. He has won all types of motions, including motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, *Daubert* motions, and post-trial motions. He has also conducted direct and cross examinations of key fact and expert witnesses at multiple trials. His notable clients have included Amazon, Monster Energy, Bausch Health, Amgen, Peloton, Endo Pharmaceuticals, the city of Santa Monica, CoreLogic, and T-Mobile.

During law school, Mr. Mishra spent his first summer working at the U.S. Attorney’s Office in the Eastern District of New York and externed during his third year with the Honorable Debra A. Livingston on the U.S. Court of Appeals for the Second Circuit. He was also named a Harlan Fiske Stone Scholar and served as notes editor for the *Columbia Law Review*.

Before attending law school, Mr. Mishra worked as a legal analyst at Soros Fund Management in New York City. As an undergraduate,

he was the recipient of the Jeffrey L. Pressman Prize for the best thesis in the field of American Politics and the Colby Government Prize for his performance as a government major.

## Experience

### Trial

Secured a complete defense verdict for **Disney** in a high-profile suit brought by an animator who alleged Disney infringed his similar project to develop the blockbuster film, "Moana." At the end of a closely followed 10-day trial, jurors deliberated less than three hours before siding with Disney. (See "Disney didn't copy 'Moana' from a man's story of a surfer boy, a jury says," [Associated Press](#); "Disney wins US copyright trial over animated hit 'Moana'," [Reuters](#); "Disney Unit Wins Copyright Trial Over 'Moana' Film," [Law360](#); "Disney had no access to animator's screenplay to copy 'Moana', jury finds," [Daily Journal](#); "Disney prevails in 'Moana' copyright trial," [Courthouse News](#); "Disney's 'Moana' Didn't Copy Producer's Film Project, Jury Says," [Bloomberg](#)).

Won a record \$293 million verdict for **Monster Energy** after four-week federal jury trial involving claims of false advertising, tortious interference, and theft of trade secrets. The verdict — believed to be the largest Lanham Act award ever — reflected a complete victory for Monster Energy over rival VPX, Inc., with findings in Monster's favor on every claim asserted. Also prevailed on appeal when the Ninth Circuit affirmed the judgment. (See "How Hueston Hennigan Won Monster \$336M False Ad Suit," [Law360](#); "Monster Wins \$293M Verdict Against VPX In False Ad Trial," [Law360](#); "Monster Energy Wins \$293 Million False Ad Award Over Bang," [Bloomberg Law](#); "US court affirms Monster Energy's \$311 mln court win against former rival Bang," [Reuters](#)).

Secured a complete defense arbitration award after a two-week trial for the **country's largest integrated health care system** against claims that it improperly withheld tens of millions of dollars in payments from a hospital system. The arbitrator rejected the hospitals' breach of contract, breach of implied covenant, declaratory judgment, and California unfair competition claims by adopting our arguments that the health care system's line-item denials were within the scope of its broad contractual rights to review and audit the hospitals' billed claims before payment.

Won a complete arbitration trial victory on all claims and counterclaims for a **prominent Napa winery and its majority owner** against the winery's founder, former CEO, and minority owner in a case alleging fraud, breach of fiduciary duty, and other claims. The award included more than \$5 million in damages, fees and costs, in addition to an extraordinary order dissociating the defendant from his role as a member of the company.

Won "among the largest-ever U.S. trademark awards" ([Reuters](#)) for **Monster Energy Company** against rival beverage company Vital Pharmaceuticals, Inc. Following a two-week trial, the arbitrator held that VPX's Bang Energy does not contain advertised muscle-building creatine and infringed on "Bang" trademark. In the significant ruling, the arbitrator awarded Monster and Orange Bang \$175 million in damages, nearly \$10 million in attorney's fees and costs, and a 5% royalty on all future sales of Bang Energy (with over \$1.5 billion in annual sales). (See "Monster asks court to enforce \$175 mln award against Bang Energy maker," [Reuters](#); "Monster, Orange Bang Win \$175M Against Rival In Arbitration," [Law360](#)).

Secured a complete defense verdict of no infringement and invalidity representing **ClearOne Inc.** as lead trial counsel in the District of Delaware in a case involving design patent for beamforming microphone arrays against Shure Incorporated. (See "Jury Says Microphone Co. Shure's Patent Invalid After Trial," [Law360](#); "ClearOne Beats Rival Microphone Maker's Design Patent Claims," [Bloomberg Law](#)).

Prevailed as trial counsel on misappropriation of trade secrets and breach of contract claims for **T-Mobile** in a high-stakes three-week federal jury trial in Seattle against Huawei Devices USA. (See "The U.S. Just Charged Huawei With Stealing A T-Mobile Robot Idea," [Forbes](#)).

Prevailed in a confidential arbitration for an **information analytics company** in a business dispute that included claims of breach of contract. Mr. Mishra served as trial counsel and was heavily involved in all aspects of the arbitration, including second-chairing the direct and cross-examinations of eight witnesses, preparing direct and cross-examinations, developing the closing argument presentations, and helping draft the post-arbitration briefing. He also participated in all aspects of the pretrial preparation, including assisting in preparing fact witnesses for direct examination.

Obtained complete defense judgment in a deceptive advertising arbitration brought by consumer against **Peloton**. Mr. Mishra examined the corporate representative and was involved in all aspects of the arbitration.

## Complex Civil Litigation

Secured a complete defense verdict after trial for **The Boeing Company** in a trade secret, breach of contract, and tortious interference case. In addition to defeating Zunum's claims, Boeing is entitled to \$12 million from Zunum on Boeing's cross claim. (See "Hueston Hennigan persuades US judge to reverse \$72M verdict against Boeing," [Daily Journal](#); "Seattle judge overturns \$72M jury verdict, clears Boeing in Zunum lawsuit," [Seattle Times](#); "Boeing Scraps Electric Jet Co.'s \$72M Trade Secrets Trial Win," [Law360](#); "Boeing convinces US judge to overturn \$72 mln trade-secrets verdict," [Reuters](#); "Boeing Ducks \$72 Million Verdict as Judge Finds No Trade Secrets," [Bloomberg Law](#)).

Representing **Kelly Toys**, maker of the top-selling toy in the US for 2023 "Squishmallows," in a copyright infringement lawsuit against Build-A-Bear Workshop for its copycat Skoosherz product. (See "Squishmallows and Skoosherz Plush Toys Face Off in Court," [The New York Times](#); "Plush wars? Squishmallows toy maker and Build-A-Bear sue each other over 'copycat' accusations," [Associated Press](#); "Kelly Toys Seeks Damages Over Build-a-Bear's Alleged Copyright of 'Squishmallows' Product," [The Recorder](#)).

Obtained a favorable settlement exceeding \$300 million in value for **Match Group** against Google over its illegal monopolization and other anticompetitive behavior in the distribution of mobile apps and processing of in-app purchases. The settlement was recognized with a U.S. Impact Case Award by *Benchmark Litigation*. (See "Epic Games Against Google on Deck After Match Settlement," [Daily Journal](#); "The Match-Google antitrust settlement netted the dating app maker over \$300M," [TechCrunch](#)).

Won a motion to dismiss with prejudice for **Amazon.com** in a case involving false advertising, unfair competition, and negligence and in which Plaintiff demanded at least \$500 million in damages.

Representing **GoodPop**, makers of better-for-you frozen treats, in a lawsuit filed against JonnyPops, makers of competitive frozen fruit pops primarily made with cane sugar, for unfair competition and false advertising around added sugar. (See "'GoodPop, Bad Pop': Hueston Hennigan Files Suit Against Freezer Pop-Maker Alleging False Advertising," [Law.com](#); "GoodPop Says Rival Misleads With '100% Real Fruit' Claim," [Law360](#); "JonnyPops Accused of Falsely Saying Its Popsicles Are 100% Fruit," [Bloomberg](#)).

Secured a preliminary injunction, and then a finding of contempt relating to one patent for **ClearOne Inc.** as plaintiff in two matters in the District of Illinois.

Secured termination of an SEC Investigation, without an enforcement action, for a **publicly traded U.S. company** relating to whistleblower complaints alleging violations of the FCPA and anti-corruption laws.

Defeated preliminary injunction brought against **ClearOne** by competitor based on alleged patent infringement.

Represented **Peloton** in federal court litigation and arbitration disputes, including defeating a motion for preliminary injunction (See "NordicTrack Co. Can't Hit Brakes On Peloton Sales In IP Suit," [Law360](#)).

Represented the **Boy Scouts of America** in California state court litigation, prevailing on several dispositive motions on that organization's behalf.

Achieved a favorable settlement for a **pharmaceutical company** in an insider trading securities class action before the U.S. District Court for the Central District of California involving insider trading claims brought by classes of investors in a third-party public company.

Represented the **city of Santa Monica** in a high-profile investigation regarding a review and assessment of allegations of unethical conduct by public officials and the efficacy of an anti-corruption municipal statute. We developed a best practices report that was ultimately submitted to the city with specific recommendations for changes to rules and procedures as well as suggested amendments to the municipal anti-corruption law.

## Appellate

Secured a win for **Monster Energy** when the U.S. Court of Appeals for the Ninth Circuit affirmed a \$311 million false advertising trial judgment and permanent injunction against Vital Pharmaceuticals, Inc. and its former owner and CEO Jack Owoc. It is believed to be the largest Lanham Act award in history. (See "US court affirms Monster Energy's \$311 mln court win against former rival Bang," [Reuters](#); "Monster's \$270 Million Jury Verdict Over Bang Drink Stands," [Bloomberg](#); "9th Circ. Backs \$272M Verdict For Monster In Bang Ad Case," [Law360](#)).

Prevailed at the U.S. Court of Appeals for the Ninth Circuit for **Amazon** in a false advertising and false association case in which Planet Green Cartridges Inc. asserted at least \$500 million in damages. The Ninth Circuit affirmed dismissal of the plaintiff's claims in their entirety under Section 230 of the Communications Decency Act and for failure to identify a false statement made by Amazon. (See

“Planet Green loses appeal in \$500 million case against Amazon,” ***The Recycler***, “Amazon Is Shielded From Suit Over Sellers’ Environmental Claims,” ***Bloomberg Law***.

Prevailed at the U.S. Circuit Court of Appeals for the Ninth Circuit on behalf of **Bausch Health Companies** in a nine-figure, cross-border trade secret and breach of contract case. Adopting our arguments, the Ninth Circuit held that the case could not proceed in the absence of Bausch’s foreign subsidiaries and that the court lacked jurisdiction over those absent entities.

Prevailed on appeal at the Federal Circuit as to the finding of contempt of preliminary injunction for **ClearOne Inc.** (See “Fed. Cir. Dismisses Mic Maker’s Fight Over Injunction,” ***Law360***).

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## Recognitions

Trials Rising Stars, Law360 (2024)

40 & Under Hot List, Benchmark Litigation (2024)

Leaders of Influence: Minority Attorneys, Los Angeles Business Journal (2023)

Southern California Rising Stars (2020-present)

Best Lawyers: Ones to Watch in America (2021-present)

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## Activities

Board of Directors, Public Law Center