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Leading COMMERCIAL LITIGATORS 2023



Karen L. Dunn

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LITIGATION

Karen L. Dunn is a former White House lawyer and U.S. Senate staffer who led or co-lead debate preparation for President Barack Obama, Sen. Hillary Clinton and Sen. Kamala Harris.

Currently, she leads a team defending San Diego-based Qualcomm against a new trademark infringement law-

suit filed by chip-design heavyweight Arm Ltd., which is now a subsidiary of SoftBank Group. The dispute concerns whether design licenses Arm had given to chip startup Nuvia survived the startup's acquisition by Qualcomm in 2021. Qualcomm has said it sees Nuvia's technology as important to its own plans to develop new server chips. *Arm Ltd. v. Qualcomm Inc.*, 1:22-cv-01146 (D. Del., filed Aug. 31, 2022).

Dunn was also co-lead trial counsel for Apple when "Fortnite" developer Epic Games claimed the App Store fee structure and business model constituted a monopoly. Some observers have credited Dunn's opening statement as an important factor in the judge's decision in September to reject nine of Epic's 10 claims. *Epic Games v. Apple Inc.*, 20-cv-05640 (N.D. Cal., filed Aug. 13, 2020).

Uber is another longtime client. Currently, she represents the company in a putative class action brought by drivers who claim they have been misclassified as independent contractors, recently remanded to San Francisco Superior Court.

Several years ago, she defended it in litigation from self-driving car company Waymo. More recently, she successfully defended Uber at trial and on appeal from a challenge to its doing business in Boston brought by the city's large taxi conglomerate. *Anoush Cab Inc. v. Uber Technologies*

Inc., 19-2001, (1st Circ., decis. Aug. 2021).

She joined the Boston case about six weeks before trial, and she brought along an all-woman litigation team. "It worked out spectacularly well," Dunn said. "I think it is good to demonstrate, particularly in high-profile cases, that women can try those cases and we can win them, even under extremely challenging circumstances."

Dunn was also part of the trial team that won a \$26 million jury verdict in November 2021 for nine people injured during the infamous Unite the Right rally in Charlottesville, Virginia. In a novel tactic, the plaintiffs alleged that some of the organizations and individuals who took part in the rally violated the Ku Klux Klan Act of 1871.

"It was the first case of its kind in the modern era to allege a racially motivated conspiracy to commit violence, specifically the white supremacists and neo-Nazis who organized and planned and premeditated the violence," she said.

The judge in the case reduced the jury's punitive damages award of \$24 million to \$350,000, but retained the jury's compensatory awards. Dunn said the plaintiffs may appeal that ruling.

— DON DEBENEDICTIS