



O'MELVENY & MYERS LLP

Darin Snyder

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Darin Snyder is a partner in O'Melveny's San Francisco Office and Chair of the Intellectual Property and Technology Practice within the Litigation Department. Darin has extensive experience in major civil and criminal litigation matters involving intellectual property and technology-intensive business sectors. The trial victory for client **NDS Group**, in which he served as lead counsel, was named by the *Daily Journal* as one of the top 10 defense verdicts of 2008. In 2010, the *Daily Journal* named Darin amongst the top 75 Intellectual Property litigators in California. *The Legal 500* has repeatedly recognized Darin, in particular, for his excellence in trade secret litigation, quoting clients who call him "[o]ne of the West Coast's biggest names in the area." Darin has also been recognized repeatedly by Law & Politics Media Inc. as a Northern California "Super Lawyer."

Illustrative Professional Experience

Representative Trade Secret and Technology Litigation

- Represents companies in several confidential civil and criminal investigations involving the alleged theft of trade secrets.
- Represents various subsidiaries of a global media company in defending against claims by the second largest US direct broadcast satellite TV provider for alleged copyright infringement, violation of the Digital Millennium Copyright Act (DMCA), and related claims. The underlying technology involves the software and hardware used to create "smartcards" that decrypt subscription digital television broadcasts. The action was tried to a jury in the Central District of California over a period of five weeks. Although plaintiffs sought nearly \$2 billion in damages, the jury awarded only \$45.69 in actual damages and only \$1000.00 in statutory damages. The *Daily Journal* selected the matter as one of the top 10 defense verdicts of the year. Also represented the client in a similar action brought by a

Spanish satellite cable provider. Previously represented these clients in similar litigation in the Northern District of California and in a related criminal investigation conducted by the U.S. Attorney's office. The civil action was dismissed pursuant to a very favorable settlement for our clients, and the U.S. Attorney's office ultimately declined to file charges.

- Represents a major technology innovator and global leader in semiconductors for wired and wireless communications in a trade secret misappropriation action against a former employee; obtained a temporary restraining order and preliminary injunction against the employee. Also represented the company in a related criminal investigation and prosecution.
- Represented the same company against a former executive and several then-current employees who had stolen over \$100 million of the clients' cellular phone designs and source code on behalf of a competing business. Obtained a preliminary injunction that halted the misappropriation of trade secrets and imposed an asset freeze on the competing entities around the world. After defeating defendants' emergency appeal to the Ninth Circuit, negotiated a business resolution favorable to the client.
- Represents software company in asserting copyright infringement claims involving software used in cellular phone applications to open pdf files.
- Represented a leading semiconductor company in cases before the U.S. International Trade Commission and the Northern District of California alleging that the company had stolen and used the plaintiff's trade secrets to make electrical circuit components that infringed three patents relating to DC-DC power controllers; cases successfully settled with a freedom-to-operate agreement.
- Represented a leading innovator in high-performance analog and mixed-signal devices for the digital media and communications markets, and successfully defeated a motion for a preliminary injunction, in a trade secret misappropriation and copyright infringement lawsuit in the Northern District of California involving High-Definition Multimedia Interface ("HDMI") chips that comply with the specification for the transmission of digital data.
- Represented a leading provider of Client Relationship Management (CRM) software in various litigations in state and federal court against a competitor involving alleged theft of trade secrets, false advertising, and unfair competition, including a six-week trade secret misappropriation trial against a competitor that had stolen technical and business trade secrets from the client related to CRM software.
- Represented one of the world's leading manufacturers of audio and video technology products and several subsidiaries in litigation regarding the use of sound enhancement technology in various consumer products. While a motion for summary judgment was pending, the matter was favorably settled.
- Represented provider of recording software for storing music, video, photos, and other data on recordable compact discs in litigation involving software for making custom CDs. After being hired only weeks before trial to serve as lead counsel, the matter was favorably resolved during trial.
- Represented a global provider of Internet content delivery services in trade secret litigation brought by a competitor involving content delivery networks over the Internet. Also represented the client in pursuing claims for

professional focus

Intellectual Property and Technology
Patent and Technology Litigation
Copyright, Trademark, and Internet
Litigation
United States
Trade Secrets

education

University of Chicago, J.D., 1988:
cum laude; Hinton Moot Court
Champion, 1987; Bradley Law &
Government Fellow, 1987-1988

Georgetown University, B.A., 1985:
cum laude

admitted

California

publications

**A Statistical Analysis of Trade
Secret Litigation in Federal Courts**
(*Gonzaga Law Review*, March 17,
2010)

**The Federal Circuit and the
Supreme Court (Circa 2009)** (19
The Federal Circuit Bar Journal 1,
2009)

**Q&A With O'Melveny & Myers'
Darin Snyder** (*Law 360*, June 2,
2009)

**Designing Around the Supreme
Court? The Federal Circuit nods to
the Court's design patent test and
keeps going** (*Legal Times*, October
13, 2008)

**Statute of Limitations and Trade
Secret Claims: Some Answers and
Some Questions** (*Intellectual
Property & Technology Law Journal*,
August 2008)

The Identification Issue (*National
Law Journal*, August 2008)

**Supreme Court Holds Business
Methods May Be
Patentable** (O'Melveny Intellectual
Property and Technology Alert)

**DOJ Creates Thirty-Five New
Positions to Combat Intellectual
Property Crime** (O'Melveny Trade
Secrets and IP Criminal
Enforcement Alert)

anti-competitive behavior and false advertising by the competitor. Successfully defended the client against the competitor's request for a preliminary injunction that threatened to shut down the company and in a related criminal investigation conducted by the U.S. Attorney's office in San Francisco. The litigation was resolved as part of an acquisition on terms very favorable to the client.

- Represented leading provider of electronic design automation (EDA) software and its predecessor in an action involving allegations of copyright infringement and trade secret misappropriation by the client and anti-competitive behavior and stock manipulation by the competitor. Also previously represented the company in a contemporaneous criminal prosecution by the Santa Clara District Attorney's Office.
- Represented provider of EDA software used in creating standard cells for semiconductors in prosecuting claims arising from breach of a software development and technology transfer agreement for dynamic enhancement of standard cell libraries and improvement of integrated circuit design and performance using such libraries. After the court upheld the company's contract, fraud, and other tort claims, the matter was settled on terms favorable to our client.
- Represented provider of software on demand for managing inter-company supply-chain processes in prosecuting claims arising from breach of a technology transfer and software development agreement related to the Client Relationship Management software. The matter was settled on terms extremely favorable to the client.
- Represented a Japanese electronic games and movie producer in litigation over the use of certain trademarks. The matter was resolved favorably to the client.

Representative Patent Litigation

- Consults with several companies on a confidential basis regarding patent infringement, licensing and strategic counseling issues.
- Represents a major technology innovator and global leader in semiconductors for wired and wireless communications in defending against claims of alleged patent infringement for amplification technology.
- Represents provider of commercial-supported streaming video of television shows and movies in defending against claims of alleged infringement of a patent involving on-line video systems.
- Represents a multi-national consumer electronics company in defending against claims of alleged infringement of a patent involving touch-screen technology.
- Represented a large media and entertainment company in asserting patent, copyright, and trade secret claims on behalf of the developer of one of the bestselling video-game franchises of all time in disputes against a major publisher and rival. The matters were favorably resolved through private, binding arbitration.
- Represented three inventors in defending against a challenge to the ownership of patented technology for a multiple file format digital camera. Shortly after trial began, the plaintiff agreed to drop its claims against the inventors and take a license.
- Represented the world's largest provider of syndicated consumer research to the telecom and mobile media markets in asserting patent infringement claims against a competitor involving technology used in the mobile-telecommunications industry to measure wireless device and network usage and performance metrics. After a favorable claim construction, the matter settled on terms favorable to the client.
- Represented a leading manufacturer of IC solutions for the worldwide analog, Ethernet and high bandwidth markets in asserting patent infringement and trade secret misappropriation claims relating to semiconductor design. The case settled on favorable terms after the defendant agreed to take a license.
- Represented a leading provider of electronic design automation (EDA) software and its predecessor in successfully defending against patent infringement claims relating to computer tools used by designers of integrated circuits to extract information about unwanted elements. The parties resolved the dispute amicably, with a business solution involving a product integration plan and cross-licensing agreements.
- Represented a software provider in defending a patent infringement lawsuit involving subresolution assist features for optical lithography masks. The case settled favorably for the client.
- Represented a medical device company and related entities in defending against six separate actions involving software and technology used to design and manufacture transparent orthodontic braces, including an International Trade Commission patent and trade secret investigation, a patent infringement suit in the US District Court, Western District of Wisconsin, and trade secret, trademark infringement and unfair competition actions in California federal and state courts. The litigation was resolved through a global settlement that included a significant payment to the client.
- Represented a foreign manufacturer of bicycle parts and its domestic distributor in two cases alleging patent infringement and unfair business practices involving twist shifters for bicycle derailleur systems. Following a claim interpretation that assured victory for the client, both cases were settled and dismissed.

Professional Activities

Admitted to Practice, U.S. District Court, Central, Northern, Eastern, and Southern Districts of California, District of Colorado; U.S. Court of Appeals, Ninth and Federal Circuits; U.S. Court of Appeals for Veteran Claims; California Supreme Court; U.S. Supreme Court

Board Member, Bar Association of San Francisco (2004-2007); The Legal Aid Society of San Francisco - Employment Law Center

Former Co-Chair, ABA, Intellectual Property Committee, Trade Secrets Sub-committee, Litigation Section

Speaker, selected speaking engagements include: "Protecting Content in the Internet Age," Director's Roundtable (October 7, 2009); "Trends in Federal Circuit Patent Damages Decisions - Practical Implications of Recent Cases," Law Seminars International (Sept. 29, 2009); "Recent Intellectual Property Developments," State Bar of California Section Education Institute (January 2007); "Staying Safe at Any Speed: Best Practices for Protecting Intellectual Property in an Age of Employee Mobility," California Association of Corporate Counsel (October 2005); "Pre & Early Stage Patent Litigation," Law Seminars International (October 2005); "Effective Corporate Intellectual Property Programs," Law Seminars International (December 2004)

Co-Author, "Supreme Court Holds Business Methods May Be Patentable," *ipFrontline* (June 29, 2010); "A Statistical Analysis of Trade Secret Litigation in Federal Courts," 45 *Gonzaga Law Review* 29 (2010); "The Federal Circuit and the Supreme Court (Circa 2009)," 19 *The Federal Circuit Bar Journal* 1 (2009); "Designing Around the Supreme Court? The Federal Circuit nods to the Court's design patent test and keeps going," *Legal Times* (October 13, 2008); "The Identification Issue," *National Law Journal* (August 2008); "Statute of Limitations and Trade Secret Claims: Some Answers and Some Questions," *Intellectual Property & Technology Law Journal* (August 2008);

Supreme Court Holds Oral Argument in *Bliski v. Kappos*

(O'Melveny Intellectual Property and Technology Law Alert, November 2009)

Federal Circuit Rules That Patent Dispute Filed In Eastern District of Texas Must Be Transferred

(O'Melveny Intellectual Property and Technology Law Alert, December 2008)

Federal Circuit Revises Test For Patenting Business Methods

(O'Melveny Intellectual Property and Technology Law Alert, October 2008)

Supreme Court Decides That Patent "Exhaustion" Doctrine Applies To Products That Include "Inventive Aspect" Of Patent (*Quanta Computer, Inc. v. LG Electronics, Inc.*)

(O'Melveny Intellectual Property and Technology / Appellate Alert, June 2008)

Employment Agreements and Assignment of Patents By Employees

(O'Melveny Intellectual Property and Technology Law Alert, March 2008)

Solicitor General Recommends Certiorari in *Quanta Computer, Inc. v. LG Electronics, Inc.*

(O'Melveny Intellectual Property and Technology Law Alert, August 2007)

"Putting the Cat Back in the Bag: Injunctions and Other Equitable Remedies for Trade Secret Misappropriation,"
ABA Intellectual Property Litigation Newsletter (Winter 2005)