



## Darin Snyder

Partner

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Darin Snyder, O'Melveny's Regional Head of Litigation for Northern California, has extensive experience in major civil and criminal litigation matters involving intellectual property and technology-intensive business sectors. Darin also currently serves as O'Melveny's Diversity and Inclusion Partner and as a member of the firm's Executive Committee.

*Best Lawyers in America* lists Darin in both Intellectual Property Litigation and Patent Law. The *Daily Journal* also named Darin one of the top 75 intellectual property litigators in California in 2018, 2016, 2011, and 2010. *Legal 500* acknowledged Darin for his work in patent, copyright, and trade secrets litigation, repeatedly recognizing 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." The trial victory for client NDS Group, in which Darin served as lead counsel, was named by the *Daily Journal* as one of the top 10 defense verdicts of 2008. Darin also has been recognized repeatedly by *Law & Politics Media Inc.* as a Northern California "Super Lawyer."

## Experience

### Representative Patent Litigation

- Consults with several companies on a confidential basis regarding patent infringement, licensing, and strategic counseling issues.
- Lead counsel defending CenturyTel Broadband Services, LLC and Qwest Corp. against claims by Intellectual Ventures that defendants infringe certain patents based on alleged compliance with DSL standards.

## Admissions

### Bar Admissions

California

### Court Admissions

US District Court, Central, Northern, Eastern, and Southern Districts of California, District of Colorado

US Court of Appeals, Ninth and Federal Circuits, Veteran Claims

California Supreme Court

US Supreme Court

## Education

University of Chicago, J.D., 1988:

*cum laude*; Hinton Moot Court Champion, 1987; Bradley Law and Government Fellow, 1987-1988

Georgetown University, B.A., 1985:

*cum laude*

- Lead counsel in securing the dismissal of patent infringement claims filed by K-Tech Communications, Inc. against client DirecTV and representing DirecTV before the Federal Circuit
- Lead counsel for Samsung in asserting patent infringement claims in the Eastern District of Virginia against nVidia and computer maker Velocity Micro involving patents relating to GPU technology and computer architecture.
- Lead counsel representing Google in defending against claims by Tierravision alleging patent infringement involving the Google Maps for Mobile service. The case is pending in the Southern District of California, but it is stayed pending a reexamination.
- Lead counsel representing Samsung as a defendant, and Google as an interested party, in patent infringement matter filed by Visual Real Estate involving GPS mapping technology; successfully transferred the matter out of the Middle District of Florida to the Northern District of California.
- Represented Samsung in District of Delaware case filed by Golden Bridge Technology alleging infringement of patents purportedly essential to cellular communications standards
- Lead counsel defending Google and Samsung in patent matter filed by Micrografx involving Google Geo Products on Samsung Devices.
- Lead counsel representing Google in multi-foa litigation filed by Vederi LLC involving four patents asserted against Google's Street View product, including litigation in the US District Court for the Southern District of California, the US Court of Appeals for the Federal Circuit, and four inter partes reexaminations in the US Patent & Trademark Office regarding each of the four patents; in August 2014, the district court matter was stayed until the PTO concludes the inter partes reexaminations and appeals for the four patents involved in the lawsuit.
- Successfully defended Google and Samsung in patent infringement actions filed by Walker Digital involving Google Maps with Street View functionality, Google Maps with driving directions functionality, and Google Maps with turn-by-turn functionality; plaintiff stipulated to a dismissal after the USPTO rejected every claim of the asserted patent on several grounds in reexamination proceedings, and the PTAB affirmed.
- Defended Samsung, and successfully settled, a patent infringement matter filed by Vantage Point Technology accusing Google's iDrive of infringing a patent related to transmitting documents between a server computer and a client computer.
- Represented Broadcom Corporation in a Central District of California case alleging infringement of several patents involving RF to digital signal conversion; following a favorable claim construction ruling, the plaintiff stipulated to a judgment of non-infringement and appealed the claim construction and other orders; the Federal Circuit affirmed the district court resulting in a complete victory for Broadcom.
- Previously represented Broadcom Corporation in defending against claims of alleged patent infringement for amplification technology.
- Representing Hulu LLC in defending against claims of alleged infringement of a patent involving online video systems filed by Intertainer. Previously represented Hulu in another patent action involving similar technology in which the claims against Hulu were dismissed based on a finding that the asserted patent is invalid under the test articulated by the Supreme Court in *Bilski v. Kappos*.
- Represents Strava in defending against claims pending in the District of Utah of alleged infringement of multiple patents involving athletic performance monitoring; the case is currently stayed pending the final outcome of pending inter partes reexaminations of both asserted patents.

- Represented Malibu Boats, LLC in defending, and successfully settling, patent infringement filed by Pacific Coast Marine Windshields Limited involving the design for a boat windshield
- Represented Recommind in defending against claims of alleged patent infringement involving its eDiscovery products and services. The case was originally filed in the Eastern District of Virginia but was successfully transferred to the Northern District of California before it was resolved for no payment by Recommind.
- Represented Samsung in multiple cases in the district courts and the ITC accusing a competitor of infringing several Samsung patents and defending against allegations that Samsung infringed several of the competitor's patents. The patents involved several aspects of TFT displays. The cases were resolved as part of a cross-license. Previously represented Samsung in defending against claims of alleged infringement of a patent involving touch-screen technology.
- Represented Viacom, Inc. 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 during private, binding arbitration.
- Represented AMD in cases before the US International Trade Commission and the Northern District of California in which Richtek Technology Corp. alleged that its trade secrets were stolen and used 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 Mitsui Chemical in an action alleging infringement of a patent covering supply chain management. The case was resolved with no payment by the client.
- Represented Personal Computer Cameras, Inc. 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 client and take a license.

#### **Representative Trade Secret and other Non-Patent Intellectual Property Litigation**

- Represents companies in several confidential civil and criminal investigations involving the alleged misappropriation of intellectual property.
- Lead counsel representing Ultratech as plaintiff in case alleging patent infringement and misappropriation of trade secrets against Ensure NanoTech and other defendants.
- Lead counsel for Artifex in a multiple actions involving complex source code based on unauthorized and unlawful use of Artifex's intellectual property and trade secrets.
- Lead counsel for Broadcom against Innovium, Inc. in trade secrets matter arising from the activities of two former, highly-placed, Broadcom engineers.

- Represented News Corp. subsidiaries, NDS Group plc and NDS Americas, in defending against claims by EchoStar Satellite Corp. 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 US\$2 billion in damages, the jury awarded only US\$45.69 in actual damages and only US\$1,000.00 in statutory damages. The Daily Journal selected the matter as one of the top 10 defense verdicts of the year. Also represented NDS in a similar action brought by Spanish satellite cable provider Sogecable. Previously represented these clients in similar litigation in the Northern District of California brought by Canal+ and related companies and in a related criminal investigation conducted by the US Attorney's office. The civil action was dismissed pursuant to a very favorable settlement for our clients, and the US Attorney's office ultimately declined to file charges.
- Successfully defended Berkeley Design Automation against copyright and related claims filed by Cadence Design Systems, Inc. involving certain software interfaces used in connection with a Cadence software product; after Berkeley's motion to dismiss was heard, Cadence agreed to settle and dismiss the case, on confidential terms, before the court even issued its decision
- Defended HarperCollins in a trademark action over the title for a best-selling diet book. After defeating plaintiff's request for a temporary restraining order, the matter was resolved on terms that allowed HarperCollins to continue selling the book.
- Represented Broadcom Corporation in a trade-secret misappropriation action against former employee Tien Shiah; obtained a temporary restraining order and preliminary injunction against Shiah. Also represented the company in a related criminal investigation and prosecution.
- Represented Broadcom Corporation against a former executive and several then-current employees who had stolen over US\$100 million of Broadcom's cellular phone designs and source code on behalf of a competing business, MagiComm. Obtained a preliminary injunction that halted the misappropriation of trade secrets and imposed an asset freeze on all MagiComm entities around the world. After defeating defendants' emergency appeal to the Ninth Circuit, negotiated a business resolution favorable to Broadcom.

## Professional Activities

### Member

- Board Member, Bar Association of San Francisco (2004-2007)
- Board Member, The Legal Aid Society of San Francisco, Employment Law Center
- Former Co-Chair, American Bar Association, Litigation Section, Intellectual Property Committee, Trade Secrets Sub-committee

### Speaker

- Darin Snyder moderated a panel on trade secrets investigations at *Daily Journal's* Trade Secrets 2018 (October 2018)
- Darin is a frequent speaker on topics involving all issues of Intellectual Property law and trial practice

### Co-Author

- "Testing the Cryptocurrency Patent Waters," *Los Angeles Daily Journal* (April 2018)

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- “Trade Secret Law and Corporate Strategy,” *LexisNexis* (April 2015)
  - “Keeping Secrets: A Practical Introduction to Trade Secret Law and Strategy,” *Oxford University Press* (2012)
  - Darin is the author or co-author of several articles involving intellectual property law

### **Honors & Awards**

- Recognized by *Who’s Who Legal: Patents* (2016-2019)
- Recognized by *Best Lawyers®* 2019 for Litigation - Antitrust / Intellectual Property in San Francisco, CA; Darin has been listed in *Best Lawyers®* since 2014.
- Named one of the top 75 intellectual property litigators in California by *The Daily Journal* (2010-2011, 2016, 2018-2019)
- Recognized by *Chambers USA* as a Leading Lawyer in California, Intellectual Property: Patent (2017-2019)
- Listed repeatedly in *Legal 500*, for Patent, Copyright, and Trade Secrets Litigation
- Recognized repeatedly by *Law & Politics Media Inc.* as a Northern California “Super Lawyer”
- Recognized as a leading attorney in *IAM Patent 1000*