



Darin Snyder

Partner

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

Among his many accolades, *Chambers USA* has recognized Darin as "a well respected and experienced practitioner noted for his expertise in advising technology sector clients on complex patent and trade secret disputes." *Legal 500* has acknowledged Darin for his work in patent, copyright, and trade secrets litigation, quoting clients who call him "[o]ne of the West Coast's biggest names in the area." *IAM Patent 1000* has repeatedly recognized Darin as a leading patent and trade secrets litigator, noting his "swift tactical manoeuvres and textbook-worthy cross-examinations." And the *Daily Journal* has repeatedly named Darin one of the top 75 intellectual property litigators in California, including in 2021, and additionally named Darin to its list of Top Trade Secrets lawyers in 2020. Darin's 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.

Experience

- Google in *ART+COM Innovationpool GmbH v. Google Inc.* (D.Del.), won at trial, defeating patent infringement claims seeking more than US\$100 million in damages; jury found no infringement of the asserted patent, which related to geospatial visualization, and additionally found the patent invalid; the Federal Circuit affirmed.

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

- News Corp. subsidiaries, NDS Group plc and NDS Americas in *EchoStar Corp v. NDS Group PLC* (C.D. Cal.), after six years of litigation and a five-week jury trial, in which plaintiff sought nearly US\$2 billion in damages, the jury awarded just US\$45.69 in actual damages and only US\$1,000.00 in statutory damages; the case involved copyright infringement and related claims, and underlying technology relating to the software and hardware used to create "smartcards" that decrypt subscription digital television broadcasts.
- Artifex Inc. in *Artifex Software, Inc. v. Hancom, Inc.* (N.D.Cal.), a ground-breaking action involving open source software licenses, extraterritorial infringement, and potential remedies available to owners of copyrighted software licensed under open source agreements; defeated a motion to dismiss breach of contract claims in an important, widely hailed victory for open source development.
- Samsung Electronics in *Invensas Corporation v. Samsung* (E.D.Tex.), *Invensas Corporation v. Samsung* (D.Del.) and *Invensas Bonding Technologies, Inc. v. Samsung* (D.N.J.), three of a group of six patent infringement cases and an ITC investigation that collectively alleged infringement of dozens of patents relating to semiconductor processing, bonding, packaging, and imaging technologies; the parties reached a global settlement after Samsung succeeded in transferring E.D. Tex. cases to D.Del.
- Samsung Electronics in *Samsung Electronics Co., Ltd. et al. v. NVIDIA Corporation et al.* (E.D. Va.), a patent infringement case including a jury trial that related to GPU technology and computer architecture; the parties reached a global resolution after the first trial and shortly after the pre-trial conference that preceded a second trial.
- Semtech subsidiary Triune Systems, LLC in *Triune Systems, LLC v. Active-Semi International, Inc.* (Tex. St. Ct.), a complicated trade secrets case involving more than 70 asserted trade secrets; the case favorably settled after Darin convinced two advisory juries to rule in favor of his client in an unusual Texas procedure called a summary jury trial; two jury panels held defendants liable, and awarded millions of dollars in damages, with one jury awarding several additional million in punitive damages.

Multiple other matters for Google including:

- *Micrografx, LLC v. Google, Inc.* (N.D. Tex.), invalidated all asserted claims of all asserted patents in IPR proceedings; case accused Google's Chrome browser and the Google Maps application installed on over a dozen models of Google-, Motorola-, and Samsung-branded mobile devices; the Federal Circuit affirmed on appeal.
- *American Navigation Systems, Inc. v. Samsung Electronics Co., Ltd., et al.* (N.D. Cal.), secured the dismissal of a patent infringement matter involving GPS mapping technology after first successfully transferring the case out of M.D. Fla. to N.D. Cal. and then invalidating all challenged claims in IPR proceedings.
- *Tierravision v. Google Inc.* (S.D. Cal.), won patent infringement case involving the Google Maps for Mobile service; the USPTO invalidated all asserted claims on reexamination, resulting in dismissal of the District Court case.
- *Visual Real Estate, Inc. v. Google Inc.* (M.D. Fla.), won patent infringement case involving GPS mapping technology; invalidated all asserted claims in IPR proceedings; plaintiff did not appeal, resulting in dismissal of the district court case.

- *InfoGation Corp. v. Huawei Technologies Co., Ltd et al* (S.D. Cal.), defended Huawei and real-party-in-interest, Google in two coordinated patent infringement cases and five IPR petitions involving three patents relating to mobile navigation technology; successfully resolved the district court matters when plaintiff abandoned the case in light of Google's IPRs.
- *Walker Digital LLC v. Apple Inc., et al.* (D. Del.), defended Google and Samsung in patent infringement actions 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.

Additional representative intellectual property matters:

- Niantic in *Location Based Services, LLC v. Niantic, Inc.* (E.D.Tex.; N.D. Cal.), successfully transferred the case from E.D. Tex. to N.D. Cal. then secured the dismissal, under *Alice*, of all 44 asserted claims; the Federal Circuit affirmed; the case involved Niantic's wildly popular Pokémon GO application.
- DirecTV in *Affinity Labs of Texas, LLC v. DirecTV, LLC et al* (W.D.Tex.), obtained dismissal of patent infringement claims related to streaming video; district court found the claims unpatentable; the Federal Circuit affirmed.
- Hulu LLC in *Intertainer Inc. v. Hulu LLC* (C.D. Cal.), secured the dismissal of patent infringement claims relating to online video systems after the favorable outcome of *inter partes* reexamination proceedings.
- Hulu LLC in *Hulu LLC v. Rovi Corporation, et al.* (N.D. Cal.), defeated motion to dismiss claims seeking declaratory judgment of noninfringement against entertainment giants Rovi and TiVo; case settled shortly thereafter.
- Zynga in *Zynga v. Scopely, Inc.* (N.D. Cal.), asserted trade secret misappropriation and related claims accusing two former employees of stealing Zynga trade secrets and spearheading an effort by a rival game developer to poach employees; successfully resolved the matter after securing a temporary restraining order in Zynga's favor, which the Court converted to a preliminary injunction.
- Samsung Electronics in *Vantage Point Technology, Inc. v. Samsung Electronics Co. Ltd.* (E.D. Tex.), defended patent infringement matter accusing Google's iDrive of infringing a patent related to transmitting documents between a server computer and a client computer; the case settled on favorable terms just four months before trial after a favorable *Markman* decision.
- Malibu Boats, LLC in *Malibu Boats, LLC v. MasterCraft Boat Company LLC* (E.D. Tenn.), after a series of victories, including the defeat of two petitions for IPR and a claim construction order in Malibu's favor, MasterCraft agreed to take a license to Malibu's wake surf technology.
- Malibu Boats, LLC in *Pacific Coast Marine Windshields Limited v. Malibu Boats, LLC et al* (M.D.Fla.), defended hotly contested patent matter involving design patents for a boat windshield; secured a remand of the case in the Federal Circuit appeal of an early dismissal and the case successfully settled shortly before trial.
- Broadcom Corporation in *American Radio v. Broadcom* (C.D. Cal.), 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 resulting in a complete victory for Broadcom; the case alleged infringement of several patents involving RF to digital signal conversion.

- Strava, Inc. in *Icon Health & Fitness, Inc. v. Strava, Inc.* (D. Utah), plaintiff dismissed the case after the USPTO invalidated numerous patent claims on reexamination and the Federal Circuit affirmed; the case involved the alleged infringement of multiple patents involving athletic performance monitoring; plaintiff.
- Ultratech, Inc. in *Ultratech, Inc. v. Ensure NanoTech (Beijing), Inc., et al.* (N.D. Cal.), asserted patent infringement and misappropriation of trade secrets claims relating to nanotechnology production systems; the case favorably settled.
- CenturyTel Broadband Services, LLC and Qwest Corp. in *Intellectual Ventures II, LLC v. AT&T Corp., et al.* (W.D. Tex.), defended claims alleging infringement of 18 patents based on alleged compliance with DSL standards; case favorably settled.
- 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; he matters favorably resolved during private, binding arbitration.
- AMD, Best Data Products, Inc. d/b/a Diamond Multimedia, and Eastcom, Inc. d/b/a XFX Technology USA in *Richtek Technology Corp. v. AMD, et al.* (ITC and N.D. Cal.), defended multiple cases, including a Section 377 ITC Investigation accusing AMD and others of stealing trade secrets to make electrical circuit components that infringed three patents relating to DC-DC power controllers; the cases successfully settled with a freedom-to-operate agreement.

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

- “Trade Secrets for the Patent Litigator,” Federal Circuit Bar Association, 2020 Bench & Bar® Virtual Conference (June 16, 2020)
- Co-Chair, “A View From the Benches,” The *Daily Journal*, Trade Secrets Conference (Menlo Park, September 19, 2019)
- “Is Change the New Normal?,” The *Daily Journal*, Patent Disputes Forum (Menlo Park, April 17, 2019)
- Co-Chair, “Trade Secrets 2018,” The *Daily Journal*, (Menlo Park, October 30, 2018)
- Presenter, “General Counsel Presentation,” Chief Litigation Counsel Association Spring Meeting, Boston (May 3, 2018)
- “Patent Damages,” The *Daily Journal*, Patent Disputes Forum (Menlo Park, April 18, 2018)

Co-Author

- “Trade Secret Law and Corporate Strategy,” (Third Edition, *LexisNexis* 2018)
- “Testing the Cryptocurrency Patent Waters,” Los Angeles *Daily Journal* (April 2018)
- “A Survey of In-House Attorney Views on Trade Secrets,” *IP Law360* (January 2018)

- “Initial *Artifex* Ruling Is Victory for Open-Source Software,” *Law360* (May 2017)
- “Trade Secret Law and Corporate Strategy,” (Second Edition, *LexisNexis* 2015)
- “Keeping Secrets: A Practical Introduction to Trade Secret Law and Strategy,” (*Oxford University Press* 2012)
- “A Statistical Analysis of Trade Secret Litigation in State Courts,” 46 *Gonzaga Law Review* 57 (February 2011), judged one of the best intellectual property articles published in 2011 and selected for inclusion and republication in the 2012 edition of the *Intellectual Property Law Review*
- “A Statistical Analysis of Trade Secret Litigation in Federal Courts,” 45 *Gonzaga Law Review* 291 (March 2010)

Honors & Awards

- Recognized as a National Practice Area Star and a Local Litigation Star in Intellectual Property by *Benchmark Litigation* (2021)
- Named one of the top 75 intellectual property litigators in California by *The Daily Journal* (2010-2011, 2016, 2018-2021)
- Recognized by *The Daily Journal* as a Top Trade Secrets Lawyer (2019-2020)
- Recognized in *Chambers USA* as a Leading Lawyer in California, Intellectual Property: Patent (2017-2021)
- Recipient of the Warren Christopher Values Award for exemplifying O’Melveny’s values of uncompromising excellence, distinctive leadership, and superior citizenship (2020)
- Named repeatedly in *The Legal 500 US*, for Patent, Copyright, Trade Secrets Litigation, and General Commercial Disputes
- Recognized in *IAM Patent 1000* as a leading patent and trade secrets lawyer (2019-2020)
- Named in *Who’s Who Legal: Patents* (2016-2020)
- Recognized by *Best Lawyers®* 2022 for Litigation - Intellectual Property and Patent Law in San Francisco, CA; Darin has been listed in *Best Lawyers®* since 2014
- Recognized repeatedly by *Law & Politics Media Inc.* as a Northern California “Super Lawyer”