Bergeson LLP

Jaideep (Jay) Venkatesan

Partner

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PRACTICE AREAS

Intellectual Property Litigation

Business Litigation

Employment Law

EDUCATION

UCLA School of Law (J.D. 2000)

Cornell University (B.A., Government, *magna cum laude* 1997)

PROFESSIONAL INVOLVEMENT

The Honorable William A. Ingram American Inn of Court – Member.

Federal Bar Association – Member.

American Bar Association – Member.

Santa Clara County Bar Association – Member.

BAR ADMISSIONS

2000, California; United States District Court, Northern, Central, and Southern Districts of California;

United States Court of Appeal, Ninth Circuit.

SUMMARY

Skilled at managing the complex legal and technical issues in trade secret, patent, and employment disputes, intellectual property litigator Jaideep Venkatesan advocates for Silicon Valley's entrepreneurs, founders, and growth companies. Jay has been particularly effective in obtaining and defeating temporary restraining orders (TROs) and preliminary injunctions in trade secret disputes, and in compelling arbitration in the defense of lawsuits alleging breach of contract, trade secret, and other tort claims.

Sometimes litigation is not in a client's best interests. Jay frequently advises companies and individuals in how to resolve business and employment disputes before they get to litigation – or deescalate once there. Jay has counseled businesses and employees in negotiating employment agreements and separation agreements, and resolving issues concerning compensation, non-competition and non-solicitation clauses, and protection of confidential information and trade secrets.

Tech-Driven Intellectual Property and Employment Litigation

Jay's clients include mid-sized companies and startups at various stages of growth as well as entrepreneurs involved in software, hardware, telecom, and medical device technology. His trade secret litigation experience spans state and federal courts nationwide.

Jay has been at the forefront of trade secrets and employment cases, both enforcing trade secret rights and defending companies and employees accused of trade secrets misappropriation, as he did in *NetApp Inc. v. Nimble, Inc., et al*, *Tibco Software, Inc. v. RapidMiner, Inc., et al*, and *Tesla Inc. v. Rivian Automotive, Inc., et al*.

Practicing where technological advancement intersects with complex bodies of law, Jay leads clients through the resolution of high-value intellectual property and trade secret fights alleging and involving:

- Patent litigation
- Misappropriation of trade secrets and confidential information
- Covenants not to compete
- Computer Fraud and Abuse Act
- Employment disputes
- Business litigation
- Temporary restraining orders
- Preliminary injunctions

Strategic Dispute Resolution for San Jose Tech IP Innovators and Leaders

Jay has spent nearly two decades at the legal forefront of Silicon Valley's ascent in the global economy.

As trade secret challenges more commonly involve cross-border and multinational concerns, Jay has used federal and California statutes and measures to provide a legal advantage to clients. His previous experience in large national firms and in-house at an e-commerce company informs his use of targeted and cost-efficient approaches to resolve lawsuits.

Jay has a successful track record in compelling arbitration in employment litigation, part of his creation of a streamlined, accurate, and effective path to settle lawsuits, as he did in *TIBCO Software Inc. v. RapidMiner, Inc., et al. and Yuhui Chen v. Zining Wu, et al*.

Other case highlights include Jay prevailing on a motion for a protective order for a third-party witness in Lumileds LLC v. Elec-Tech International Co., a matter *The Daily Journal* called one of the most significant complex trade secrets trials in recent years.

Jay devotes his out-of-office time in support of education. In addition to being the coach of the Homestead High School Mock Trial Team, Jay serves on the Foothill Commission of Foothill Community College in Los Altos Hills, California.

REPRESENTATIVE MATTERS

Intellectual Property and Employment Litigation

- *Telsla, Inc. v. Rivian Automotive, Inc. et al.*, Case No. 20-CV-368472, Santa Clara Superior Court
  Representing employees of Rivian in trade secrets and breach of contract lawsuit filed by Rivian competitor Tesla.

- *TIBCO Software Inc. v. RapidMiner, Inc., et al.*, Case No. CIV534404 (CA), San Mateo County Superior Court
  Represented RapidMiner, Inc. and an individual Defendant in a lawsuit asserting breach of contract, trade secret, and other tort claims. The case settled after the Firm prevailed on appeal of a denial of RapidMiner’s and other Defendants’ petition to compel arbitration.

- *Lumileds LLC v. Elec-Tech International Co.*, et al., Case No. 15-1-CV-278566, Santa Clara County Superior Court
  The Firm prevailed on a motion for a protective order on behalf of a third-party witness whose personal documents and materials contained in his Google Gmail account were subpoenaed by the Defendants.

- *Yuhui Chen v. Zining Wu, et al*, No. 18-CV-337042 Santa Clara County Superior Court
  Representing Zining Wu, InnoGrit, Inc., and Shanghai Yingren Chuang Information Technology Co. Ltd in their petition to compel arbitration of all claims in a complaint asserting 13 contract and tort claims. The Court granted the Defendants' petition in its entirety and ordered the Plaintiff to arbitrate all of his claims.

- *Elenza, Inc. v. Alcon Laboratories Holding Corporation, et al,* A. No. N14C-03-185 MMJ CCLD, Superior Court of Delaware
  Represented Elenza in contract, trade secret, and other tort claims against Defendants involving medical device technology.

- *NetApp, Inc. v. Nimble Storage, Inc., et al,* Case No. 5:13-cv-05058 (CA and N.D.CA)
  Represented employees of Nimble Storage, Inc. in a trade secret and Computer Fraud and Abuse Act action filed by NetApp, Inc. The Firm's clients prevailed on motions to dismiss that resulted in the dismissal of several Defendants and several claims in state and federal court (41 F. Supp. 3d 816 and 2015 U.S. Dist. LEXIS 11406).

- *Life360, Inc. v. Advanced Ground Information Systems, Inc*., Case No. 5:15-cv-00151-BLF (N.D.CA)
  Represented Life360 in a false patent marking case. The matter settled after Life360 defeated the Defendant's motion to dismiss.

- *Unisense Fertilitech A/S v. Auxogyn, Inc.,* Case No. 11-CV-5065 (N.D. CA)
  Represented Auxogyn and Stanford University in declaratory relief action filed by Unisense as to noninfringement, invalidity, and unenforceability of Auxogyn's '906 Patent. The case was dismissed upon the Court's granting of Auxogyn and Stanford's motion to dismiss.

- *Realization Technologies v. Srivistav, et al*., Case No. 113CV253554, Santa Clara County Superior Court
  Represented Realization in a misappropriation of trade secrets action that led to Realization obtaining a stipulated preliminary injunction.

- *CICAS v. Med-Surgical Services, Inc.,* Case No. 10-05067(N.D. CA)
  Represented Med-Surgical in a patent infringement lawsuit. The case settled after Med-Surgical obtained an award of sanctions after a discovery motion.

- *Guzik Technical Enterprises v. Western Digital, et al*, Case No. 5:11-CV-03786, (N.D. CA)
  Represented GTE in patent infringement lawsuit and counterclaims involving hard disk drive technology.

Commercial Litigation

- *Verizon Sourcing LLC v. Quantifind, Inc*., C.A. No. N17C-05-243, Superior Court of Delaware
  Represented Quantifind in a breach of contract action concerning data analytics services.

- *Peralta Community College District v. Johnson Controls, Inc.* Case No. RG1264402, Alameda County Superior Court
  Represented Peralta Community College District in a breach of contract and California False Claims Act case.

- *VisionChina Media Inc. v. Shareholder Representative Services, Inc. Case No. 650526/2011* (NY)
  Represented former shareholders in fraud and breach of contract claims and counterclaims.

PUBLICATIONS

Author: “The Defend Trade Secrets Act Two Years Later”, Northern California Association of Business Trial Lawyers (ABTL) Report (Fall 2018).

Author: “A New Federal Action Transforms Trade Secrets Litigation,” New Matter (Vol. 41, No. 4 Winter 2016).

Author: “Software Patents After Alice v. CLS Bank International,” New Matter, Vol. 40, No. 1, Spring 2015.

Author: “Federal Trade Secrets Legislation and California: Resolving the Conflicts Within and Without,” Northern California Association of Business Trial Lawyers (ABTL) Report, Vol. 23, No. 3, Spring 2015 (with Sara Petersen Graves).

Author: “The Supreme Court and Patentable Subject Matter Under Section 101,” Northern California Association of Business Trial Lawyers (ABTL) Report, Vol. 22, No. 2, Summer/Fall 2013.

Author: “Compulsory Licensing After eBay,” Virginia Journal of Law and Technology, Winter 2009.