



Jared J. Braithwaite

Registered Patent Attorney | Shareholder

Office: Salt Lake City

Direct: 435.575.1390

Office: 801.297.1850

jbraithwaite@mabr.com

Combining litigation, intellectual property procurement, data security, and privacy, Jared brings

a 360-degree perspective to protecting and enforcing and intellectual property assets and mitigating information risk. His multi-prong approach provides a window onto how litigators and IP prosecutors think—insights he uses for the benefit of his clients.

Jared's litigation clients value his efficient, honest style and his ability to see the over-arching business objectives and reduce unintended legal issues. Jared works hard to focus on the litigation tactics and strategies that lead most directly to those objectives, ensuring his clients' investment justifies the possible outcomes.

His clients turn to him for a wide range of business disputes and litigation—including patent, trademark, copyrights, unfair competition, trade secrets, and other matters relating to business contracts. His representative clients are active in software and information technology, communications, electronics, consumer products, pharmaceutical, medical devices, and biotechnology.

Jared has appeared before the International Trade Commission (ITC) as well as state and federal courts across the country. He also represents clients in appeals before the U.S. Supreme Court and the U.S. Federal Circuit Court of Appeals. Jared is admitted to both the California and Utah state bars – an advantage for his clients with assets in both the Silicon Valley and the Silicon Slopes.

In addition, Jared is a prominent Utah leader in privacy, information security, and technology law. He has experience counseling clients on cutting-edge data protection issues, including

privacy policies, regulation compliance, incident response planning and preparedness, and due diligence in corporate transactions. He is a Certified Information Privacy Professional (CIPP/US), a Certified Information Privacy Technologist (CIPT), participates in leadership of the Utah Bar's Cyberlaw and Privacy Section, and the Data Security Board for the Utah Chapter of the United Way. He is passionate about educating clients and businesses on how to make sure they are protected and is a frequent author and speaker on this topic.

Education

- J.D., Brigham Young University, J. Reuben Clark Law School, 2009
- B.S., University of Utah, Biomedical Engineering, 2006,
 - Minor, University of Utah, Computer Science

Practice Focus

- Complex and Intellectual Property Litigation
- Data Security and Privacy
- Patent, Trademark, Copyright, and Trade-Secret Protection
- Contracts and Licensing
- Alternative Dispute Resolution, including Mediation and Arbitration

Technical Experience

- Pharmaceutical, Chemical, Biotechnology & Life Sciences
- Medical Devices
- Drug Delivery
- Biotechnology
- Electrical Engineering
- Communications
- Computer Systems, Software, E-Commerce, Business Methods & Information Technology
- Mechanical Devices

Professional Admissions & Associations

- Co-Chair, eDiscovery Committee, ABA Intellectual Property Law Section (since 2015)
- Secretary, David K. Winder Intellectual Property American Inn of Court (Member since 2016)
- Vice-Chair, Cyberlaw & Privacy Section of the Utah State Bar (Secretary 2018-2019)
- Certified Information Privacy Professional/US (CIPP/US)
- Certified Information Privacy Technologist (CIPT)
- Utah Bar, 2009
- California Bar, 2012
- Registered Patent Attorney
- S. Supreme Court
- S. Federal Circuit Court of Appeals

Second Language

- Spanish

Awards & Recognition

- Mountain States Super Lawyers, Intellectual Property, 2013–2019
- *Utah Business Magazine's* Legal Elite, Intellectual Property, 2011, 2015, 2018 – 2019

Representative Matters

Patents

- *Sonohm Licensing LLC v. Juniper Systems Inc.*, Case No. 1:19-cv-101-CW-PMW (D. Utah 2020) (favorable settlement against non-practicing entity)
- *Global Interactive Media, Inc. v. Salem Media Group, Inc.*, Case No. 18-1293-MN (D. Del. 2019) (favorable settlement against non-practicing entity)
- *Neville et al. v. Aldridge Construction, Inc. et al.*, 2:17-cv-8929-AG (AGRx) (C.D. Cal. 2019) (secured summary judgment of non-infringement for construction companies and construction pile products seller and its clients). *affirmed on appeal* 825 Fed. App'x 808 (Fed. Cir. 2020).
- *Neville et al. v. Foundation Constructors, Inc. et al.*, 972 F.3d 1350 (Fed. Cir. 2020) (secured affirmance of summary judgment of non-infringement for construction companies)
- *Lifetime Products, Inc. v. Russell Brands, LLC d/b/a Spalding* Case No. 1:12-cv-26-DN-EJF (D. Utah 2017) (favorable claim construction and settlement of patent infringement matter representing domestic basketball backboard manufacturer)
- *Keviq Technology LLC v. Juniper Systems, Inc.*, Case No. 2:17-cv-88-JRG-RSP (E.D. Tex. 2017) (favorable settlement in patent case brought by non-practicing entity)
- *In re Certain Basketball Backboard components and Products Containing the Same* Investigation No. 337-TA-1040 (ITC 2017) (favorable settlement for domestic manufacturer in ITC investigation against U.S. distributor and Chinese manufacturer of basketball backboards)
- *Lifetime Products, Inc. v. Maxchief Investments, Ltd.* Arbitration 2017 (favorable claim construction and arbitration award against Chinese manufacturer of blow-molded tables in arbitration proceeding involving multiple patents)
- *Lange Originals, LLC v. TAP Worldwide, LLC*, Case No. 2:16-cv-394-DAK (favorable settlement in patent dispute over consumer products)
- *Tranxition, Inc. v. Novell, Inc.*, Case No. 3:12-cv-1404-HZ (D. Or. 2015) (favorable claim construction and defense judgment of patent invalidity)
- Favorable pre-litigation license negotiation and agreement on behalf of Delcam USA, Inc. to several patents owned by Technique d'Usinage Sinlab Inc. (2012)
- *Information Protection and Authentication of Texas, LLC v. Symantec Corp. et al.*, Case No. 2:08-cv-484-JRG (2008) (negotiated favorable result for client after successful litigation in patent infringement case)
- Invalidity and Non-infringement opinions for computer products and communication systems

Trademark, Copyright, and Trade Secrets

- *MACOM Technology Solutions Inc. et al. v. Litrinium, Inc.*, Case No. 8:19-cv-220-JVS-JDE (C.D. Cal. 2019) (Start-up defendant secured dismissal of the case after multiple dismissals of the plaintiffs' complaints in trade secret case involving optical communications technology)
- *Beatport, LLC v. Soundcloud Ltd.*, Case No. 2:19-cv-847-MRW (C.D. Cal. 2019) (secured dismissal of employee accused of trade secret misappropriation)
- *Derive Power et al. v. EZ Lynk SEZC et al.*, Case No. 2:16-cv-1066-BSJ (D. Utah 2019) (favorable settlement for defendants in copyright and trade secret matter after favorable rulings on summary judgment and damages issues)

- *Cowboy Cauldron Company v. Titan Manufacturing and Distributing Inc*, Case No. 2:17-cv-1206-JNP-PMW (D. Utah 2018) (favorable settlement resulting in cessation of sales accused infringing products in trade dress matter)
- *SCO Group v. Novell, Inc.*, Case No. 2:04-cv-139-TS (D. Utah 2010) (jury verdict in favor of client regarding ownership to copyright interests in Linux/Unix legacy operating systems)
- Negotiation of copyright settlements and licensing for pre-litigation copyright disputes

Data Security, Privacy, and Contracts/Licensing

- *MedPlus, Inc. v. IHC Health Services, Inc.*, Arbitration 2017 (favorable settlement in software licensing dispute)
- *Jneid v. Novell, Inc.*, Orange County California Superior Court, Complex Division, Case Nos. G039500, G039723, G039725, G039897 (after two multi-month jury trials and an appeal to the Court of Appeals of California, 4th Appellate District, Division 3, in a complex business dispute, a favorable settlement was obtained on behalf of the client)
- CCPA compliance advice for providers of consumer products and online services
- Privacy policy and terms of use for online services and online media companies
- Negotiation of SEP/FRAND licenses for communications products
- Contract review for between companies and their vendors for software licensing, data security, and privacy issues
- COPPA compliance analysis for online media content creators
- Data security and information policy development and reviews
- Advice regarding security training programs

