

Counsel, Palo Alto

Intellectual Property Litigation



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Education

J.D., Columbia Law School, 2007
(Harlan Fiske Stone Scholar)

B.S., Computer Science, Columbia
University, 2003

Bar Admissions

California

New York

Texas

U.S. Patent and Trademark Office

U.S. District Court for the Southern and
Eastern Districts of New York

U.S. District Court for the Northern and
Central Districts of California

James Y. Pak focuses his practice on litigating intellectual property matters, including patent infringement, copyright infringement and trade secret misappropriation. He also counsels companies on acquiring, evaluating, licensing and protecting intellectual property assets. Additionally, he has assisted companies in transactions including corporate mergers and acquisitions and patent portfolio acquisitions.

Mr. Pak's computer science background and technical experience in the high-tech and software industry provide him with a detailed understanding of computer-related technologies. His technical interests include operating systems security. He has written software in a number of languages, including C, C++, Java and assembly, and has extensive experience working with different types of software version control systems that are common in the software industry.

Mr. Pak has significant experience representing companies on matters involving complex technologies, including computer source code, wireless communications, data messaging, storage systems, databases, digital imaging, computer graphics, encryption and virtual reality.

He successfully has represented clients in jury trials in the United States District Courts for the Eastern, Northern and Southern Districts of Texas. As a registered patent attorney, Mr. Pak also has represented clients at trials before the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office.

Mr. Pak also has significant experience conducting investigations related to intellectual property theft, particularly those involving former employees and independent contractors that subsequently begin work at a competing company. He has worked extensively with companies and forensics teams in reviewing and analyzing confidential and sensitive computer data and electronic devices as part of those investigations and has a command of the tools and methods commonly used in such analyses.

Mr. Pak also has an active video games practice and has counseled and represented numerous video game publishers and studios in the gaming industry on a variety of intellectual property issues and claims.

Mr. Pak has represented, among others, JPMorgan Chase & Co.; Virgin Mobile USA, LLC; Research In Motion Limited; Comerica Inc.; Credit Acceptance Corp.; Rocket Software, Inc.; Viewpointe Archive Services L.L.C.; Aspen Technology, Inc.; Inside Secure Corp.; Nokia Corporation; Xiaomi, Inc.; ZeniMax Media Inc.; and id Software LLC.

Representative matters include:

- **ZeniMax Media Inc.** and **Id Software** as plaintiffs in obtaining a \$500 million jury verdict against Oculus VR Inc. and Facebook. This federal intellectual property lawsuit involved trade secret misappropriation, copyright and trademark infringement claims, and theft of proprietary information (hardware and source code) by Oculus in order to develop its Rift virtual reality headset;
- **Credit Acceptance** in a patent litigation and one of the first covered business method proceedings at the U.S. Patent and Trademark Office against a competitor concerning consumer product financing technology;
- **Aspen Technology** in a trade secret misappropriation and copyright infringement case in connection with claims filed by the company against its competitor M3 Technology. Following a three-week trial in the Southern District of Texas, a jury found in favor of AspenTech on all of its claims and awarded the company more than \$10 million in actual and punitive damages;

- **Viewpointe Archive Services** in obtaining a complete victory after a jury trial in the U.S. District Court for the Eastern District of Texas in patent litigation brought by DataTreasury Corporation involving remote capture, transmission and storage of data; and
- **Rocket Software** in its successful defense against a motion for preliminary injunction by a leading global software development firm. The case, which involved trade secret misappropriation and copyright infringement claims, was pending in the Eastern District of New York and was settled favorably before trial.

Mr. Pak was named as a 2020 Rising Star in Intellectual Property by *Law360*.

He is a member of the intellectual property litigation group at Skadden that has previously been recognized as one of the top IP litigation powerhouses in BTI's Litigation Outlook report; by *Law360* among its Technology Practice Groups of the Year for courtroom victories in the technology sector; and by *The National Law Journal* as one of the country's leading IP practices in its IP Hot List for multiple years.