

Counsel, Palo Alto

Consumer Class Action Litigation and Mass Arbitration; 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

Associations

Member, International Association of
Privacy Professionals

James Y. Pak is a technology-focused attorney with significant experience advising clients on privacy compliance issues and defending companies in privacy class actions and mass arbitrations. Mr. Pak also regularly litigates 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, in addition to assisting 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, including websites and mobile apps. His technical interests include operating systems security. He has written software in a number of languages, and has extensive experience working with software version control systems that are common in the software industry. His deep knowledge of technical issues has made him an exceptional resource for clients in connection with privacy matters, particularly with regard to matters involving the Wiretap Act (ECPA), California Invasion of Privacy Act (CIPA), Video Privacy Protection Act (VPPA), and other privacy and consumer protection statutes. Mr. Pak holds a CIPP/US certification from the International Association of Privacy Professionals.

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 also conducts privacy-related technology audits and makes practical recommendations to reduce the risk of privacy claims and regulatory enforcement activities.

He has successfully represented clients in jury trials in the U.S. 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.

Representative matters include:

- Dozens of companies across industries — including retail, hospitality, gaming, sports, financial services and telecommunications — in threatened and filed mass arbitrations
- Numerous companies and organizations in threatened and filed class actions under statutes such as the Video Privacy Protection Act, California Invasion of Privacy Act, Illinois Biometric Information Privacy Act and Florida Security of Communications Act, among many others
- 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
- 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

In recognition of his work, Mr. Pak has been named a Rising Star in Intellectual Property by *Law360*.