



## Bradford K Newman

Partner, Employment Law Department

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**Bradford Newman** founded and leads Paul Hastings' International Employee Mobility and Trade Secret practice. According to Chambers, he is a recognized "authority on trade secret cases" who "is valued for his 'tenacious, intelligent and thoughtful' approach to matters such as trade secrets and traditional labor and employment litigation." In 2019, the Daily Journal recognized Brad as one of the 20 top AI attorneys in California. Brad has been instrumental in proposing federal AI workplace legislation that in 2018 was turned into a United States House of Representatives Discussion Draft bill. Brad is currently working to garner bi-partisan Congressional support for the proposed AI Bill. He also has developed AI oversight and corporate governance best practices for many national technology clients designed to ensure algorithmic fairness. Mr. Newman is the author of *Protecting Intellectual Property in the Age of Employee Mobility: Forms and Analysis*, a comprehensive treatise published by ALM that offers authoritative guidance on legal risks and practical steps companies can take to protect their IP and remedy IP theft. He chairs the Firm's Silicon Valley Employment Law practice and has served as the past chair of the ABA Employment Litigation Subcommittee (Business and Commercial Litigation Section).

In connection with his national practice spanning many industries, Mr. Newman routinely serves as lead trial counsel in cases with potential eight and nine-figure liability, and has successfully litigated (both prosecuting and defending) a broad spectrum of trade secret and employee mobility cases in state and federal courts throughout the country. Mr. Newman also successfully argued a case of first impression under the Communications Decency Act before the California Court of Appeal. He regularly advises and represents the world's leading technology, banking, professional service, manufacturing and commerce companies in significant employee mobility matters, and provides audit committees and boards of directors with advice on complex Sarbanes-Oxley and state-law whistleblower issues, and with regard to internal corporate investigations involving claims of misconduct. Mr. Newman also served as Co-Chair of the Working Group of the

### Palo Alto

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### Practice Areas

Artificial Intelligence  
Employment Counseling and Preventive Advice  
Internet of Things  
Litigation  
Employment Litigation  
Trade Secrets  
Technology  
Employee Mobility and Trade Secrets  
Employment Law

### Admissions

California Bar

### Education

UC Hastings College of the Law, J.D. 1995

University of Pennsylvania, B.A. 1992

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ABA Business Law Section that prepared the *ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor* (“ABA Model Policies”). In February, 2014, the ABA House of Delegates unanimously adopted Resolution 102B. As a result, the Model Principles were adopted as ABA policy and the remainder of the ABA Model Policies (Introduction, Model Glossary, Commentary and Guidance, and Endnotes) were authorized to be provided to businesses worldwide as helpful context in urging those businesses to adopt and implement policies tailored to their own needs and resources.

### Recent Representations

Mr. Newman’s first chair intellectual property experience includes successfully representing:

- Cypress Semiconductor (NASDAQ: CY) as lead trial counsel in *Evans v. Cypress Semiconductor Corporation*, a case involving a multimillion-dollar stock claim brought by a former employee. At the conclusion of trial, Mr. Newman successfully obtained a defense verdict as to all of the employee's claims.
- Zynga (NASDAQ: ZYNG) in the largest trade secret case in the history of social gaming. Following a multi-day hearing, obtained a preliminary injunction on behalf of Zynga. Establishing, for the first time, that social game concepts and specific game mechanics can and do arise to the level of a protectable trade secret. He successfully enjoined a competitor from releasing a specific game and from using a specific game mechanic and resolved the case in a manner described by Zynga's General Counsel in *The Wall Street Journal* as "reflecting the very serious nature of the conduct involved."
- Activision (NASDAQ: ATVI) in the high-profile “Modern Warfare” Employee Mobility case stemming from the departure of 42 video-game employees to a competitor. The departed employees claimed over \$1 Billion in damages. The case resolved on the date jury selection was scheduled to begin.
- Agilent Technologies, Inc. in *Delfino v. Agilent Technologies, Inc.*, 145 Cal.App.4th 790 (2006), review denied (2007), where he convinced a unanimous panel of the Sixth District California Court of Appeal that Agilent Technologies could not be held responsible for threatening messages allegedly sent from its computer network by a one-time employee. Mr. Newman successfully argued that Section 230(c)(1) of the Communications Decency Act provides broad immunity to employers who provide access and facilitate Internet content. No court had ever held the immunity conferred under section 230(c)(1) applied to employers who provide employees Internet access.
- The world’s largest ride-sharing company in a high profile trade secret case

## Bradford K Newman (Continued)

filed by the competitor. See <http://fortune.com/2016/06/28/uber-lyft-lawsuits-executives/> and <https://www.law360.com/articles/811663/lyft-settles-with-former-exec-who-jumped-to-rival-uber>

- A major Hollywood studio accused of poaching a producer of Academy Award winning motion pictures.

Mr. Newman currently serves as lead counsel in intellectual property matters for:

- Thermo Fisher Scientific (NYSE: TMO) in its lawsuit against a Fluidigm executive for retaining Thermo Fisher confidential information relating to oncology instrument and reagent technology after resigning, as well as for raiding employees. The defendant argued over certain key forensic evidentiary issues until Mr. Newman was able to utilize his forensic expertise to obtain the concurrence of defendant's own forensic expert. At trial, the damages request will exceed \$30Million.
- Veeco Instruments (NASDAQ: VECO) in trade secret litigation.

### Accolades and Recognitions

- 2019 - Selected by Daily Journal as 1 of 20 Top AI Attorneys In California
- The Legal 500 ranked Mr. Newman for Workplace and Employment Counseling in 2018 (and multiple prior years)
- Chambers USA recognizes Mr. Newman as "creative, interesting and clever" and acknowledges Newman as an "authority on trade secrets cases."
- Northern California SuperLawyer recognizes Mr. Newman as one of only 20 attorneys in the category of Employment Litigation: Defense for over a decade
- Who's Who Legal selected Mr. Newman as one of only 45 attorneys in California for the Labour & Management chapter.

### Speaking Engagements and Publications

- Society Needs the Artificial Intelligence Data Protection Act Now – TechCrunch (May 15, 2018)
- Podcast: Artificial Intelligence and Minimizing Workplace Disruption, What Matters Podcast, (June 2018)
- Protecting Intellectual Property In the Age of Employee Mobility (ALM 2014)
- Panelist and Moderator For Numerous Trade Secret and IP Panels: American Bar Association. Business and Commercial Litigation Section
- Out the Door: Protecting Trade Secrets During Layoffs – The Deal (February 11, 2009)
- California Supreme Court Upholds the General Ban on Noncompetition Agreements While Leaving Intact the "Necessary to Protect Trade Secrets" Exception – The Recorder (August 8, 2008)
- Wages of Disloyalty: Employers Can Recover Salary and Benefits From

## **Bradford K Newman** (Continued)

Employees Who Have Worked for Competitors – The Recorder (December 24, 2008)

- The Brave New World of Employee Mobility: The Corporate Duty To Identify, Value and Protect Trade Secrets – Business Law Today, Vol. 17, No. 2 (2007)
- “Seismic Change – Internal Investigations In The Sarbanes-Oxley Era” (DRI 2006 National Convention)
- “Protections for Whistleblowers under Sarbanes-Oxley” (ALI-ABA’s The Practical Lawyer – April 2005)

### **Professional and Community Involvement**

- Chair of the ABA Employment Litigation Subcommittee
- Founder and Editor of the Employee Mobility, Restrictive Covenants and Trade Secrets Chapter in the ABA Business Law Section’s National Annual Review
- Served as a legal writing and research Instructor at Hastings College of the Law
- Published on a wide variety of employment-related topics
- Founder of GiveLocally.net which raises money for pre-screened families in need

### **Admitted to Practice in the following venues:**

- Court of Appeals, Ninth Circuit, December 19, 1995
- Court of Appeals, Sixth Circuit, January 9, 1997
- Court of Appeals, District of Columbia, February 23, 1999
- United States District Court Northern Dist., California, December 7, 1995
- United States District Court Central Dist., California, February 27, 1996
- United States District Court Eastern Dist., California, February 20, 1998
- All California State Superior Courts, December 7, 1995

### **Education**

- University of California Hastings College of the Law, J.D., 1995
- University of Pennsylvania, B.A., 1992

### **News**

#### **August 17, 2018**

14 Paul Hastings Lawyers Named 2018 Acritas Stars

#### **May 20, 2015**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2015

## **Bradford K Newman** (Continued)

**May 27, 2014**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2014

**September 16, 2013**

Paul Hastings Secures Favorable Result for Zynga in Nationally Significant Trade Secrets Case

**June 05, 2013**

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United States 2013

**May 27, 2013**

Paul Hastings Employment Practice Honored with Chambers "Award for Excellence" and Firms Leading Practices and Lawyers Ranked in Chambers USA 2013

**June 07, 2012**

Paul Hastings Excels in Chambers USA 2012 Guide

**June 10, 2011**

Paul Hastings Excels in Chambers USA 2011 Guide

**June 01, 2011**

Paul Hastings Soars in 2011 Edition of Legal 500 US

**June 14, 2010**

Paul Hastings Garners Top Rankings in Chambers USA 2010 Guide

**June 07, 2010**

Paul Hastings Excels in 2010 Edition of Legal 500 US

**January 06, 2010**

Paul Hastings Selected as The American Lawyers Labor & Employment Litigation Firm of the Year

**June 17, 2008**

Paul Hastings Attorneys Recognized as Super Lawyers and Rising Stars in Northern California, Southern California, Georgia, Illinois, New York and Washington, D.C.

## **Bradford K Newman** (Continued)

**July 27, 2007**

Paul Hastings Represents Reliance Communications Ltd. in its Largest Acquisition to Date

**June 19, 2007**

Paul Hastings Earns Top Marks in the Latest Volume of The Legal 500 US

**June 05, 2006**

Paul Hastings Practice Areas and Attorneys Earn Top Honors in Latest Edition of Chambers USA

**May 20, 2005**

Paul Hastings Adds Top Employment Litigator Brad Newman To Palo Alto Office

## **Insights**

**August 07, 2019**

U.K. Supreme Court Clarifies Test for Trimming Non-Compete Clauses

**April 03, 2019**

Employers Take Note: A Third California Court Invalidates Employee Non-Solicitation Agreement

**March 26, 2019**

Containing Risk and Seizing Opportunity: The In-house Lawyer's Guide to Artificial Intelligence

**November 19, 2018**

California Court of Appeal Voids Employee Post Employment Non-Solicitation Restrictions: What Your Company Needs To Do Now

**June 18, 2018**

Artificial Intelligence and Enterprise Disruption

**October 04, 2016**

New California Law Limits Choice of Law and Forum Selection Clauses in IP Agreements

**June 01, 2016**

A Quick Guide Comparing the Defend Trade Secrets Act and the EU Trade

## Bradford K Newman (Continued)

Secrets Directive

**May 31, 2016**

The New Federal Trade Secrets Law: Top Takeaways for Employers

**May 20, 2016**

There's a New Federal Trade Secrets Statute—Now What?

**May 07, 2014**

The ABA's Newly Adopted Principles Assist Companies in Eliminating Supply Chain

**April 02, 2014**

ALM Law Journal Press - Protecting Intellectual Property in the Age of Employee Mobility: Forms and Analysis

**August 08, 2008**

California Supreme Court Upholds the General Ban on Noncompetition Agreements While Leaving Intact the Necessary to Protect Trade Secrets Exception

## **Rankings & Awards**

**October 09, 2019**

Recognized by the Daily Journal as a Top Lawyer in Trade Secrets

**June 26, 2019**

Recognized by the Daily Journal as a Top Lawyer in Artificial Intelligence

**August 23, 2018**

Recognized as Acritas Stars by SharpLegal

**January 02, 2013**

Law360 Awards - Top Practice Groups of the Year

**July 18, 2012**

The Daily Journal, Top Labor & Employment Lawyers 2012