



Eugene Y. Mar

Partner & Firm Counsel

emar@fbm.com

San Francisco: 415.954.4927

Eugene Mar specializes in litigating cases for technology companies, with a primary focus on patent, trade secret, copyright, and licensing disputes.

Eugene prides himself in finding the most efficient path in a case to achieving the business and litigation objectives of his client, and if a case goes to trial, he is a skilled, aggressive, and effective advocate in the courtroom experienced in presenting the best themes and arguments to persuade the court and a jury. He enjoys the complexity of high-tech cases and the opportunities they present to learn about new technologies, products, and services. His clients have included Dell Technologies Inc., Twilio Inc., Visa Inc., Mercari U.S. Inc., and Google LLC.

Eugene also has substantial experience in trademark, CFAA, DMCA, unfair competition, non-solicitations, and non-compete claims, as well as general commercial litigation in federal and state courts and in arbitration. In addition to litigation, Eugene advises technology clients on IP licensing, IP protection, and copyright issues related to AI and language learning models.

He serves as general counsel to Farella and formerly chaired the firm's Intellectual Property Group.

Distinctions

- *Best Lawyers in America* in Litigation - Patent Law (2023), Litigation–Intellectual Property (2024-2025)
- *Managing Intellectual Property's* IP Stars - Patent Litigation (2018-2023)
- Euromoney Legal Media Group, Americas Rising Stars shortlist, Best in Patent (2019)
- *Benchmark Litigation* "40 & Under Hotlist" (2017-2019)
- *The Recorder's* inaugural list of 50 "Fast Track" lawyers in California (2012)
- Euromoney Legal Media Group to the shortlist of the inaugural Americas Rising Stars Awards in the "Best in Patent" category (2018)

Memberships and Affiliations

- Former Chair, Intellectual Property Section, Bar Association of San Francisco
- Former Co-Chair, Intellectual Property Roundtable Committee, ABA Litigation Section

Experience

ISIX LLP v. Boomi LP & Dell Inc.

Defended Boomi and Dell in the Western District of Texas on a patent case related to software integration technology.

Services

- Intellectual Property
- Trade Secrets Litigation
- Patent Litigation
- Technology
- Internet Law
- Privacy and Cybersecurity

Education

- Harvard Law School (J.D., 2003)
 - . Article Editor, *Harvard Journal of Law and Technology*
- University of California, Berkeley (B.A., 2000)
 - . Graduated with Distinction in General Scholarship
 - . Legal Studies and History

Bar Admissions

- California

KT Imaging v. Dell

Represented Dell on three patents related to imaging technology in the Western District of Texas.

Bell Northern Research v. Dell Technologies, et al.

Defended Dell in the Western District of Texas on 5 patents relating to Bluetooth and heat dissipation technology.

Visa Inc.

Defended Cybersource Corp., a subsidiary of Visa, against claims of fraudulent transfer, conspiracy to defraud, and declaratory relief in Los Angeles Superior Court and before the California appellate court.

Visa International Service Association v. BankIslami Pakistan Ltd.

Represented Visa in a breach of contract and breach of implied good faith and fair dealing action brought in the Northern District of California.

Mercari U.S. Inc.

Represented Mercari in response to subpoenas issued by Meta and the Federal Trade Commission in the *FTC v. Meta* antitrust action.

Trial Victory for Smart Meter Technology Company

Defended a smart meter technology company in a federal bankruptcy court bench trial against billion-dollar damage claims asserted by a technology licensor. Following the two-week trial, the court found for our client on all counts, not only rejecting the licensor's damage claims but fully vindicating our client's rights under the license agreement.

Profectus Technologies v. Google LLC

Represented Google LLC in its complete defense verdict from a Texas federal jury in the Western District of Texas in a case alleging that Google's Nest Hub and Nest Hub Max devices infringed a patent asserted by Profectus Technologies. The jury found that the asserted claims of the patent were invalid and that Google did not infringe.

Networking and Cybersecurity Solutions Company Patent Infringement Lawsuit

Represented a multinational networking and cybersecurity solutions company in a 6-patent infringement lawsuit in the Western District of Texas and in the related IPR proceedings. The lawsuit accused a broad range of data center-related technology, including routers, switches, firewall devices, and the company's operating system of infringement. The matter resolved with a settlement favorable for our client.

Symbology Innovations v. Muji Ltd.

As lead counsel, successfully defended Muji in the U.S. District Court for Delaware in a multi-patent case relating to QR code technology.

Adobe Prevails in Writ of Mandamus Petition Seeking Transfer Out of WD of Texas

The Federal Circuit Court of Appeals granted Adobe Inc.'s writ of mandamus petition seeking to transfer a patent case from the U.S. District Court for the Western District of Texas to Adobe's home forum in the Northern District of California.

Altbaier v. Down-Lite

In this action, we represented the defendant/employer, Down-Lite, who develops and sells proprietary blends

of down and feather, in the California-based companion action brought by the employee/shareholder to a misappropriation of trade secrets and breach of contract action filed in the Southern District of Ohio that had been filed by our client. The employee/shareholder was seeking preliminary injunctive relief to enjoin our client from enforcing a non-compete restriction and non-disclosure of trade secrets limitation in agreements he had signed with our client. Following a court hearing, we successfully defeated plaintiff's emergency motion for a temporary restraining order and obtained a complete dismissal of this action pending further proceedings in the Ohio proceedings brought by our client.

Huawei Technologies and Futurewei Technologies v. Yiren "Ronnie" Huang and CNEX Labs, Inc.

After a 3-week jury trial in Eastern District of Texas, successfully defended start-up CNEX Labs in a bet-the-company case against all claims of trade secret misappropriation, CFAA, RICO, and tortious interference brought by Huawei Technologies and Futurewei Technologies and attained a finding of misappropriation of trade secrets against Huawei in the field of SSD controller technology.

BladeRoom v. Facebook and Emerson

After a five-week jury trial before the U.S. District Court for the Northern District of California, our team won for UK-based BladeRoom a \$30 million verdict against global manufacturing giant Emerson for willful and malicious misappropriation of trade secrets and breach of a non-disclosure agreement relating to BladeRoom's revolutionary new methodology for constructing warehouse-sized data centers. The Daily Journal named this one of the "Top Verdicts" in California in 2018. The Court subsequently awarded BladeRoom an additional \$30 million in exemplary damages and \$17 million in prejudgment interest, for a total judgement exceeding \$77 million. Our client settled with Facebook after the first week of trial.

Blue Spike v. Adobe Systems

Defended Adobe Systems in a five-patent case relating to signal abstraction technology involving 70+ defendants. We successfully obtained a transfer of venue from the Eastern District of Texas to the Northern District of California followed by a judgment of non-infringement. Pursued recovery of attorneys' fees through appeal.

Tridia Corp. v. NTT Resonant Corp.

Served as lead counsel for this subsidiary of Japan's largest telecom company, Nippon Telegraph & Telephone Co., in its first ever patent litigation in the United States. The case filed in Georgia Northern District Court presented unique questions involving the role of special masters to resolve section 101 motions and personal service of Japanese companies in the United States under the Federal Rules of Civil Procedure.

Purple Leaf v. Google, Inc.

Defended Google Checkout in the Eastern District of Texas against assertions that it infringed a patent owned by Purple Leaf that purportedly disclosed a way to conduct an online transaction directly between merchant and buyer. After initial pleadings, we were able to attain a dismissal of the claims against Google.

MAZ Encryption v. Dell Inc.

Defending Dell Inc. in the U.S. District Court for the District of Delaware against allegations that its DDPE and DDPA products infringe two patents.

Rotatable Technologies v. Motorola Mobility LLC and Quickoffice Inc.

Obtained a non-infringement judgment for defendants Motorola Mobility and Quickoffice Inc. on 47 mobile devices in a patent case in the U.S. District Court for the Eastern District of Texas. Judgment was upheld on appeal.

Round Rock Research v. Dell Inc.

Defended Dell in the U.S. District Courts for the Eastern District of Texas and the District of Delaware against

allegations that its products infringed 20 patents across a wide range of technologies involving DRAM, server management and monitoring, and BIOS.

e-Micro Corporation v. Google, Inc.

Defended Google against allegations that Google Checkout infringes a patent allegedly related to electronic payment transactions conducted on the Internet.

Cioffi, et al. v. Google Inc

Defended Google in the U.S. District Court for the Eastern District of Texas in a four-patent case relating to multi-process web browsers. The case is currently pending a post-trial invalidity decision based whether the reissue patents improperly recaptured disclaimed subject matter under 35 USC section 251.

Restricted Spending Solutions v. Allow Card

We won summary judgment of invalidity for our client Visa USA, Inc. in this patent action filed in Chicago asserting a patent over an "allowance" card for teens that can be controlled by the parent. This was a significant victory. Not only is a summary judgment of invalidity rare, but the well-known NPE Acacia was the ultimate owner of the plaintiff and had managed to exact settlements with many of the other eighteen defendants. 743 F. Supp. 2d 954 (N.D. Ill. 2010)(granting summary judgment).

Every Penny Counts, Inc. v. American Express Co., et al.

Defended Visa U.S.A. Inc. in a case where the plaintiff accused Visa's gift card technology of infringing five patents. We prevailed on a case-dispositive claim construction at the district court, leading to a stipulated judgment of non-infringement on all five patents. The Federal Circuit upheld the claim construction and judgment on appeal. 563 F.3d 1378 (Fed. Cir. 2009). A petition for en banc rehearing and petition for writ of certiorari were both denied.

3M Innovative Properties v. The Clorox Company

We represented Clorox, Brita, Pentair and Sears in a patent infringement lawsuit brought by 3M and its Cuno subsidiary in Minneapolis. The case involves two patents covering replacement water filters used in refrigerators. The court issued a favorable claims construction for Defendants in December 2007 as part of a ruling denying summary judgment. The case then settled on terms favorable to our clients.

Publications

March 28, 2025

Injunctive Relief Is Not Yet a Viable Remedy for Copyright Infringement Claims Involving GenAI

January 31, 2024

Is the Copyright Threat to Generative AI Overhyped? Implications of Kadrey v. Meta

October 25, 2023

AI and Trade Secrets: A Complicated Friendship

Daily Journal

March 1, 2023

Failures Are Valuable IP: Protect Your Startup's Negative Trade Secrets

The Licensing Journal

January 31, 2023

Failures Are Valuable IP: Protect Your Startup's Negative Trade Secrets

TechCrunch+

January 27, 2023

How To Avoid Allegations of Trade Secret Misappropriation in California

Daily Journal

January 18, 2023

Under FTC's New Proposed Rule, Employers Will No Longer Be Able to Rely on Noncompete Agreements

November 21, 2022

Highlights from 2022 Unified Patents Corporate IP Strategy Conference

November 9, 2022

How Companies Can Stop Trade Secret Disclosure in California

Bloomberg Law

October 5, 2022

Protecting "What Not to Do" as a Negative Trade Secret

Daily Journal

July 27, 2021

SCOTUS Copyright Fair Use Decision: Google vs. Oracle Recap and Takeaways

January 28, 2021

Tips For Banks As USAA Check Deposit Patent Dispute Grows

Law360

January 26, 2021

IP Law up for Best Supporting Role in the COVID-19 Relief Spending Bill and Other New Legislation

The Recorder

October 22, 2020

Insights Into the First Patent Trial in Waco, Texas - MV3 Partners v. Roku

February 3, 2020

Strategy Lessons From Wells Fargo Fintech Patent Litigation

Law360

December 31, 2019

Trade Secret Hygiene for Current Employees

ACCDocket.com

November 21, 2019

How Defense Strategies Can Go Awry When Pursuing Concurrent PTAB Relief in Financial Services Patent Litigation

November 6, 2019

Practices to Protect Trade Secrets in Failed Acquisitions and Customer Relationships

ACCDocket.com

October 4, 2019

Securing Against Trade Secret Pitfalls and Dangers Arising From Employee Mobility Situations

ACCDocket.com

2/2/2017

The Northern District of California Seeks to Bring More Clarity to Damages with its Latest Revised Patent Local Rules

12/28/2016

IP Law December Developments: What to Expect in the Future

5/5/2016

IP and Employment Implications of the Defend Trade Secrets Act to be Discussed at May 24-25 Roundtable Programs

4/20/2016

Keep These Cases in Mind When Segmenting Patents

11/12/2015

ITC Has No Jurisdiction to Block Infringing "Electronic Transmissions"

9/25/2015

Drafting Intellectual Property Agreements: Best Practices From a Litigator's Perspective

5/14/2013

Federal Circuit Issues Decision on Section 101 Patent Eligibility of Computer-Implemented Inventions

2/13/2013

Court Hears Arguments on Patent Eligibility of Computer-Implemented Invention

12/29/2008

In Re Bilksi: Has the Federal Circuit Overly Restricted What is Patentable Subject Matter?

12/1/2008

Fighting The Brand Your Trademark from Being Misused on Search Engines

Outside the Office

Eugene enjoys spending time with his family, including two wonderful children who are rapidly growing up, and particularly cherishes their vacations exploring other countries. When not with his family, you'll likely find Eugene attending a whiskey event in the Bay Area, cheering on his favorite professional Bay Area sports team and the CAL Golden Bears, or exploring new restaurants with his wife and friends.



