

## Rajiv Dharnidharka

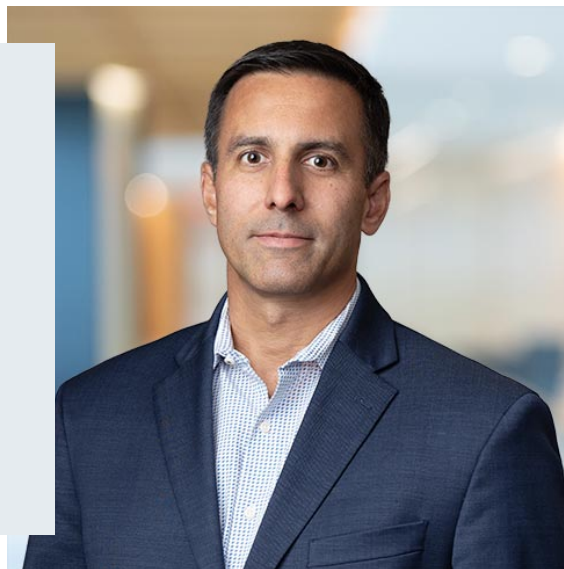
### Partner

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Rajiv Dharnidharka navigates business disputes and potential disputes, focusing on intellectual property, technology, and general corporate matters through counseling, negotiation, litigation, arbitration, and mediation. His main practice areas are trade secret and software copyright litigation, and he is an established thought leader on domestic and international technology issues.

Rajiv has experience representing public and private companies, from Fortune 500 companies to startups and among them all forms of technology companies, manufacturing companies, defense contractors, transportation companies, financial institutions, and other domestic and international businesses.

Rajiv Dharnidharka has been lead trial counsel in arbitrations, bench trials, and jury trials. His arbitrations and trials focus on technology disputes generally involving trade secrets, software, and license agreements. He has obtained equitable relief and monetary recovery with arbitration awards and trial verdicts for clients in bet-the-company disputes. Among other successes, Rajiv obtained a complete defense victory in a 10-week bench trial with a counterclaim victory, including a permanent injunction to protect his client's trade secrets with general damages and exemplary damages as well. Rajiv and his team are sought after to obtain temporary restraining orders and preliminary injunctions — and to defend against these forms of relief directed at his clients. Clients, arbitrators, and judges describe Rajiv as a natural in the courtroom who brings the matter to life.

### Representative Experience

Rajiv's experience includes:

- Plaintiff-side pre-litigation settlement: through pre-litigation positioning and strategy, obtained complete capitulation from client's adversary, resulting in adversary assigning all IP rights in question to client and paying all attorneys' fees and costs associated with pre-litigation investigation.\*

- Defense-side pre-litigation lawsuit avoidance: developed and implemented action plan to foreclose adversary from being able to pursue lawsuit with threatened temporary restraining order and preliminary injunction, leading to mutual walk-away settlement.\*
- Plaintiff-side confidential litigation settlements: obtained multiple confidential settlements in or near the 8-figure range in lawsuits involving trade secrets, copyrights, trademarks, and contract claims.\*
- Defense-side confidential litigation settlement: defended technology company against a rival pursuing a scorched-earth lawsuit claiming more than \$100m in damages, disposing of all claims other than trade secret misappropriation and conspiracy through dispositive motion practice. With trial on the horizon, settled for the rough estimate of fees and costs remaining to take the case through trial and appeal.\*
- Developed and implemented defense strategy for a software company and its co-founders against a bet-the-company-lawsuit brought by a competitor asserting trade secret misappropriation and related claims resulting in complete dismissal with prejudice.\*
- Obtained trade secret misappropriation and breach of contract jury verdict in five-week trial against former design contract vendor.\*
- Prevailed in ten-week bench trial and obtained trade secret injunction protecting secret recipe against use by former business associate along with per se and punitive damages.\*
- Prevailed in two-week arbitration regarding failed business arrangement.\*
- Obtained temporary restraining order against former employees of marketing technology company and their new competing business misusing confidential company materials.\*
- Succeeded in trade secret misappropriation litigation in the energy sector, which successfully shut down former employees and their new competing venture that hacked sales leads databases.\*
- Defeated semiconductor trade secret misappropriation claims and related claims by summary judgment.\*
- Defeated trade secret claims and related claims through trade secret disclosure motion practice and motions to dismiss.\*
- Obtained preliminary injunction against former business partners for copyright infringement and trade secret misappropriation.\*
- Represented several companies in trade secret and copyright disputes, successfully pursuing and defending against DMCA take-down actions, temporary restraining orders, and preliminary and permanent injunctions.\*
- Represented and advised several buy-side and sell-side companies in post-merger and acquisition disputes regarding earnouts, escrows, and other pre- and post-transaction events.\*
- Arbitrated and mediated several disputes to resolution.\*

*\*Matters handled prior to joining Foley.*

## Awards and Recognition

- *The Legal 500 United States, Trade Secrets (Litigation and Non-Contentious Matters)*

## Affiliations

- S.-India Business Council
- The Indus Entrepreneurs

## Presentations and Publications

### Presentations

- ABA India, “Threading the Needle in US India Deals: Safe Passage Through Formidable Legal Risk,” Delhi, India 14 Feb 2014
- Employment Law Briefing 2015, “Protecting Social Media Assets,” San Francisco, CA 13 Jan 2015
- Legal Era Conclave India 2015, “E-Commerce & Digital Markets, Challenges & The Future,” Delhi, India 12 March 2015
- Employment Law Briefing 2016, “Protecting Your IP in a Mobile World,” San Francisco, CA 14 Jan 2016
- Employment Law Briefing 2016, “Protecting Your IP in a Mobile World,” Palo Alto, CA 21 Jan 2016
- Employment Law Briefing 2016, “Protecting Your IP in a Mobile World,” Palo Alto, CA 21 Jan 2016
- Gennext Counsel Congress, “Outbreak of Scandals And Managing Crisis In A Digitised World Understanding Cyber Security & Data Privacy Challenges, From Infringement to Enforcements Worldwide,” Mumbai, India 4 March 2016
- “California Employment Law Briefing,” January 15, 2019 (San Francisco) and January 17, 2019 (Silicon Valley)

### Publications

- Co-author, “Trade Secret Litigation,” *Corporate Disputes Magazine*, October – December, 2021
- Co-author, “The Return of Employees, Business Partners and Vendors to the Office: Five Steps to Protect Trade Secrets,” *Business Law Today*, June 12, 2020
- Author, “Best practices in hiring to protect trade secrets,” *Corporate Counsel*, September 27, 2017

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [IP Litigation](#)
- [Litigation](#)

## Education

- Santa Clara University School of Law (J.D., 2004)
  - Georgetown University Law Center (Visiting Student, 2003)
- California Polytechnic State University (B.S., summa cum laude, 2001)

## Admissions

- California
- All California state courts



FOLEY & LARDNER LLP

- All California federal district courts
- Supreme Court of the United States
- U.S. Court of Appeals for the Ninth Circuit