

Todd M. Malynn | Partner
Intellectual Property & Technology

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Todd Malynn is an experienced trial attorney who has been practicing intellectual property law for more than 25 years. He provides counsel across a wide spectrum of matters, including:

- Patent, trademark, and copyright infringement
- False advertising and unfair competition
- Misappropriation of trade secrets
- Covenants not to compete
- FDA regulations

Todd aggressively seeks to identify solutions—whether through settlement or trial—and combines his IP and business transactional experience to help identify, protect, defend, and monetize his client’s rights and interests. He has worked with leading market research experts in New York and California and routinely brings actions to protect and enforce trademarks and copyrights. He has obtained injunctions, conducted seizures, and received orders and judgments against competitors, Internet sites, and common carriers, including summary judgment decisions affirming intellectual property rights.

Notably, Todd has defended large advertising campaigns from false advertising claims, including class action lawsuits and claims brought by the Federal Trade Commission. He has represented clients seeking approval from the Food & Drug Administration as well as handled matters before self-regulatory bodies, such as the Electronic Retailing Self-Regulation Program of the National Advertising Division of the Better Business Bureaus and the National Advertising Review Board. He has also represented current and former employers in connection with covenants not to compete in many different states, including in California before the California

Supreme Court and the U.S. Court of Appeals for the Ninth Circuit. Additionally, Todd has significant experience representing manufacturers of Class III medical devices, including numerous reported decisions enforcing federal preemption under the Medical Device Amendments of 1976.

Todd was instrumental in receiving the largest jury verdict in California in 2011 (as reported by the *Daily Journal*) in a case involving misappropriation of trade secrets. He was also part of the team that received the largest jury verdict for a patent infringement action in California in 2014 (as reported by the *Daily Journal*).

Todd graduated *Order of the Coif* from Loyola Law School, Los Angeles, and as a Sayre Macneil Scholar and member of the St. Thomas More Law Society and Alpha Sigma Nu. He also served as a member of the Loyola Law School, Los Angeles, *Law Review*, and is a National Jesuit Honor Society Recipient of the American Jurisprudence Award for Constitutional Law II.

Select Engagements

- **Trademark/Copyright Enforcement:** Represented a leading cosmetic company in multiple enforcement actions. Obtained *ex parte* seizure orders against Internet sites and counterfeiters in the United States and China. Obtained an order against a common carrier importing counterfeit goods from China.
- **Trade Secrets:** Represented a medical device manufacturer in an action against a former employee and Chinese competitor, obtaining \$2.3 billion in damages by the jury.
- **Patent Infringement:** Represented a medical device company in a patent infringement action, resulting in a \$31 million jury verdict.
- **Covenants Not to Compete:** Represented a medical device company in multiple proceedings to protect new hires, resulting in multiple decisions under California law.
- **Federal Preemption:** Represented a Class III medical device company in products liability actions enforcing federal preemption, obtaining numerous reported decisions.

Admissions

- United States Court of Appeals for the Ninth Circuit
- California
- U.S. District Court - Central District of California
- U.S. District Court - Eastern District of California
- U.S. District Court - Northern District of California
- U.S. District Court - Southern District of California
- United States Court of Appeals for the Federal Circuit
- Supreme Court of California

Memberships

- California State Bar Association
- Los Angeles County Bar Association

Education

- University of California, Los Angeles, BA
- Loyola Law School, JD, Order of the Coif

Recognitions

- 2017, Most Influential Intellectual Property Attorneys in Los Angeles, listed in the *Los Angeles Business Journal*

Professional Activities

Todd is a member of the Intellectual Property Section of the Los Angeles County Bar Association, since 2002.