



Daniel Justice

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Practice Areas

- Intellectual Property

Education

- J.D., University of Southern California Gould School of Law, 2013
- B.A., Psychology, University of California, Santa Barbara, 2009

Clerkships/Externships

- Hon. Margaret A. Nagle, Magistrate Judge, U.S. District Court, Central District of California

Daniel Justice joined the firm in 2013 and has since worked on matters involving trademark functionality, trademark infringement, copyright infringement, patent infringement, contract disputes and proceedings before the Trademark Trial & Appeal Board.

These matters involved issues such as government contractor immunity to patent infringement; the effect of amendments to a patent licensing agreement; the effect of an expired utility patent for a chemical composition on the validity of a related trademark for medical implants; the copyrightability of short phrases and the merger doctrine; the copyrightability and fair use of religious materials; and multiple oppositions to office actions, and petitions to cancel trademark registrations to the Trademark Trial & Appeal Board.

Daniel has also worked on Internet-related matters involving the legal effect of “browsewrap” agreements; violations of Web page terms of use; the circumvention of technological barriers to access Web pages; violations of the Computer Fraud and Abuse Act; copyright issues related to cache copying of Web pages; the use of “spiders” to collect data from Web pages; the legality of “deep-linking” to web pages; and the legality of search engine aggregation and display of copyrighted Web pages.

Daniel has recently co-authored a scholarly article with Warrington S. Parker III entitled, “The Differing Approaches to Preemption Under the Uniform Trade Secrets Act” that was published in Volume 49, Issue 2 of the *Tort Trial & Insurance Practice Law Journal*. Daniel is also a contributing author to the NorCal IP Blog, which covers notable new intellectual property case filings and verdicts in the Northern District of California. Links to articles Daniel has authored can be found under the “Publications” section of this bio.

During law school, Daniel was Vice President of OUTLaw, the LGBT legal organization at USC Law School, and was a member of the *Interdisciplinary Law Journal*. Prior to law school, Daniel was a research assistant in the Laboratory for Computational Cognitive Neuroscience at UC Santa Barbara, where he studied the neuropsychological theory of multiple category learning systems called COVIS (Competition between verbal and implicit systems) and ran study participants through neuroimaging experiments using fMRI.

Publications

- Co-Author, "Judge Donato Refuses to Let the Tail Wag the Dog," Orrick NorCal IP Blog, May 5, 2015
- Co-Author, "HP Fails to Construct a "Concrete" Path to Patentability Under Alice," Orrick NorCal IP Blog, March 17, 2015
- Co-Author, "Obtaining a Judgment as a Matter of Law Is Not an Easy Task, as Both Parties Learned," Orrick NorCal IP Blog, November 26, 2014
- Co-Author, "Bringing a Baseless Copyright Claim Can be Costly: Judge Wilken Grants Defendant's Request for Attorneys' Fees," Orrick NorCal IP Blog, October 2, 2014
- Co-Author, "No Personal Jurisdiction in Declaratory Patent Action Without Sufficient Enforcement Activity," Orrick NorCal IP Blog, September 30, 2014
- Co-Author, "You Don't Need to Hire Sherlock Holmes to Conduct a Meaningful Investigation, but You Should at Least Inspect an Accused Infringer's Website," Orrick NorCal IP Blog, September 26, 2014
- Co-Author, "Alice Corp. Reaches the Northern District: Judge Donato Grants Motion to Dismiss Software Patent Claims Under Section 101," Orrick NorCal IP Blog, September 25, 2014
- Co-Author, "C&D Letter Listing Infringing Product Features, But Not Product Names, Can Suffice To Establish An Actual Controversy," Orrick NorCal IP Blog, August 25, 2014
- Co-Author, "You May Not Need To Reverse Engineer an Accused Product To Make Infringement Contentions, But You Better Explain Functionality," Orrick NorCal IP Blog, August 4, 2014
- Co-Author, "There's No "Malice" In This Ruling, Alec -- Corporations Cannot Be Malicious, At Least Under California Law," Orrick NorCal IP Blog, August 1, 2014
- Co-Author, "Think Twice Before Abandoning Patent Infringement Claims," Orrick NorCal IP Blog, June 25, 2014
- Co-Author, "You Only Get One Bite: A Losing Party Cannot Seek Vacatur Based On The Effects of Its Own Actions," Orrick NorCal IP Blog, June 9, 2014
- Co-Author, "Northern District Adds Patent-Specific Model Order Re: Discovery of ESI to Its Roster of ESI-Related Documents," Orrick NorCal IP Blog, June 9, 2014
- Co-Author, "Timeliness and Judicial Efficiency Is The Name of The Game When It Comes to Seeking a Stay Pending Reexamination," Orrick NorCal IP Blog, June 9, 2014
- "Be Reasonable with Non-Party Discovery Requests: A Lack of Diligence Can Cost You," Orrick NorCal IP Blog, April 24, 2014
- "You Can't Have Any Favors If You Dont Follow Orders," Orrick NorCal IP Blog, April 25, 2014
- Co-Author, "Proving Harm in Trademark Cases Post-Herb Reed," *Law360*, April 16, 2014
- Co-Author, "Resistance is 'Futile' (Unless you sufficiently plead issues of material facts)," Orrick NorCal IP Blog, March 14, 2014
- Co-Author, "For Patentees Seeking a Permanent Injunction, the Fight's Not Over ...," Orrick NorCal IP Blog, March 14, 2014
- Co-Author, "'Mark' My Words - It is the Infringer Who Bears the 'Burden'," Orrick NorCal IP Blog, March 14, 2014
- "Famed Popstar 'Prince' Files and Withdraws Copyright Suit . . . For Now," Orrick NorCal IP Blog, January 31, 2014
- "The Case of the 'Pseudo' Patent: Was There Fraud on the

- PTO?” Orrick Norcal IP Blog, January 29, 2014
- Co-Author, “When Is a ‘Representative’ Product ‘Representative’ Enough?” Orrick NorCal IP Blog, January 28, 2014

Admissions

- California

Court Admissions

- **United States District Courts** | Northern District of California
- **United States District Courts** | District of Colorado