



Cypress LLP Partner Muller Named Top Trade Secret Lawyer

Congratulations to Cypress LLP partner Bob Muller for rounding out 2019 with the honor of being named by the Daily Journal as one of California's top trade secret lawyers. The Daily Journal wrote the following profile about Bob:

Supplement to the Los Angeles and San Francisco

Daily Journal

OCTOBER 9, 2019

TOP TRADE SECRETS LAWYERS 2019

Robert J. Muller

Muller's reputation as a partner at Cypress LLP who excels at high profile trade secret litigation stems in part from his experience in the art of trade secret disclosures under California's Code of Civil Procedure — and his tenacious efforts for clients.

"I have a reputation of being able to reverse things," he said.

That was evident in a current case in which Muller represents Leadfactors LLC, makers of social networking tools for businesses, in its claim that Cisco Systems Inc. stole trade secrets related to Leadfactors' product.

"This is one of the more important trade secrets cases in Silicon Valley right now," Muller said. "There are tens or hundreds of millions of dollars at stake."

Cisco appeared to gain the upper hand when a Santa Clara County Superior Court judge granted it summary judgment. *Leadfactors LLC v. Cisco Systems Inc.*, 1-13-CV-247926 (S. Clara Super. Ct., filed June 13, 2013).

To contest that loss on appeal, Leadfactors retained Muller, whose powerful appellate briefing and argument resulted in a December 2018 opinion from the 6th Appellate District that in an opinion highly critical of Cisco reversed the judgment and sent the case to trial. *Leadfactors LLC v. Cisco Systems Inc.*, H043081 (6th DCA, filed Dec. 21, 2015).

Muller was cautious in his comments because the case remains in fact discovery with trial likely in 2020. But Associate Justice Franklin D. Elia, writing for a unanimous panel, did not hold back. Cisco, he wrote, "frequently misrepresents facts, misquotes contract provisions, and, most egregiously, fails to support factual statements with

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citations" to the trial court's lengthy record.

"We pointed all this out repeatedly in our briefing," Muller said. In earlier comments, he applauded the opinion. "Leadfactors feels more strongly than ever that when the case gets to trial and to the jury, it will finally have its opportunity to show that Cisco took advantage of [Leadfactors predecessor] ConnectBeam by improperly using its fundamental trade secret technology in the design and manufacture of its products."

Muller said that Leadfactors recruited him for the appeal based on his success in a significant earlier trade secrets case in which he won reversal for his client. In that 2012 matter, Muller represented Instone LLC, a Los Angeles maker of a high-protein food supplement involved in well-known trade secret misappropriation litigation, *Angelin v. Brescia*, B213088 (2nd DCA, filed Dec. 31, 2008).

The outcome helped define CCP 2019.210, covering the scope of trade secrets disclosures

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at issue in litigation filed under protective orders. It also showed Muller's skills: the appellate panel not only reversed a \$5 million jury verdict against his client but also dismissed all claims without a retrial.

"I take clients who are in the most difficult situations and I find them a way out," Muller said.
— John Roemer

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