

Daniel P. Moylan

Partner

Daniel P. Moylan represents businesses and individuals in a range of complex litigation matters, including disputes in the areas of intellectual property, health care and pharmaceuticals. Dan's recent work includes defending clients in software licensing disputes involving technologies in the transportation, health care and pharmaceutical industries. He has served as first-chair trial counsel in federal jury trials and in arbitrations; and he regularly coordinates joint efforts of lawyers and experts in matters related to the development and distribution of pharmaceuticals, including in multidistrict litigation and international arbitration.

Dan has litigated numerous copyright, trademark, and trade secret claims, as well as disputes involving licensed patented technologies.

From 2001 to 2004, Dan served as an assistant prosecutor in the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia (The Hague, The Netherlands).

In that role, he briefed and argued matters before the Trial and Appeals Chambers, including in *Prosecutor v. Radislav Krstić* (IT-98-33A), in which the prosecution secured the conviction of a Bosnian Serb corps commander for his role in the Srebrenica genocide.

Prior to attending law school, Dan worked as a software programmer for a federal contractor.

Government service

- International Criminal Tribunal for the Former Yugoslavia
 - The Hague

Professional leadership

- Member, American Bar Association (IP Section)
- Member, Federal Bar Association
- Member, Maryland Bar Association

Recognitions

- The Best Lawyers in America, Commercial Litigation; Legal



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Practice focus

- Business Litigation
- Health Care
- Legal Profession and Ethics
- Pro Bono
- Intellectual Property

Education

- Georgetown University Law Center, J.D., 2000
 - Student Advocate, Criminal Justice Clinic
 - Annual Review Editor, *Journal of Gender and the Law*
 - Best Team Brief, Prince National Moot Court Competition, 1999
 - Best Oralist, Leahy Moot Court Competition, 1998
- University of Maryland, Baltimore County, B.A.,



ZUCKERMAN
SPAEDER

- Super Lawyers, Rising Star (Maryland)

Languages

Bar admissions

- Maryland

Court admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Maryland

Clerkships

- Hon. Beth P. Gesner, U.S. District Court, District of Maryland

Representative matters

- Represents a national pharmacy chain in defense of thousands of suits by state and local governments to recover costs alleged to have been caused by the shipment and dispensing of prescription opioids.
- Represents a manufacturer of rail technology systems in defending against claims regarding its supply and licensing of event recorder systems used on North American freight railroads.
- Represented an internationally famous psychiatrist and owner of neuropsychiatric instruments used in the diagnosis and treatment of serious mental health disorders in litigation regarding the licensing of the rights to develop and commercialize digitized versions of his instruments. After two years of litigation in multiple federal courts, we secured a favorable settlement that clarified the parties' respective rights under the license, while avoiding any payment to the plaintiff.
- Represented a licensed medical cannabis producer in pursuing trade secrecy claims and remediation based on thefts of its trade secrets, which led to entry of a preliminary and permanent injunction against the principal wrongdoer, substantial monetary relief from several actors, and extensive coordination with third parties to ensure the identification, return, and destruction of all stolen materials.
- Represented health insurance subscribers in challenging Blue Cross-Blue Shield insurance plans' use of a trademark licensing framework as an antitrust conspiracy, leading to a significant class settlement approved by the



federal district court.

- Advised an international technology and gaming company regarding whether to seek federal criminal prosecution for a major theft of its trade secrets.
- Represented an intermediate supplier of generic pharmaceuticals in numerous matters involving the enforcement of its commercial agreements and IP rights in the Asia-South Pacific region, including through international arbitrations and parallel court actions. In these matters, we have coordinated the work of a team of experienced counsel and industry experts from various countries. Our enforcement efforts have led to favorable and cost-effective resolutions, allowing the client to strengthen its market position against encroachment by potential competitors.
- Represented a pharmaceuticals supplier in a dispute against its finished dosage manufacturer based in Shanghai concerning a regulated post-surgical medicine sold in Australia. Following an international arbitration hearing, in which Dan served as co-lead counsel, the tribunal awarded our client substantially all relief sought in its statement of claim, including an arbitral declaration that the manufacturer had misappropriated the client's confidential and proprietary information.
- Defended the owner and operator of a high-end club in successive federal and state actions brought by former members who pled various state and federal claims. We successfully defended the client in all cases litigated to final judgment, including a state court summary judgment and a complete defense judgment following a federal jury trial in which Dan served as first-chair trial counsel.
- Represented a property management firm in a federal grand jury investigation of trafficking in counterfeit merchandise. Following a legal and factual presentation to federal prosecutors that spanned two days, the government declined to seek an indictment and returned all funds seized from the client's accounts.
- Defended an investment company and its principals in a dispute over the ownership, licensing, and management of a multi-part television documentary series set for broadcast on American public television and international distribution. After coordinating protracted litigation in multiple forums in the United States and Canada, we successfully navigated a contentious settlement process involving numerous third-party stakeholders. Ultimately, this resolution allowed our client



to engage an alternative film producer to complete the film.

- Defended an executive and former general counsel of a major public health care insurance company in connection with federal health care fraud charges. The indictment involved complex legal and accounting issues regarding the Florida Medicaid behavioral health care program. A related civil suit filed by the SEC alleged fraud, false filings, and related violations of the Securities Act.
- Defended a national law firm against legal malpractice claims stemming from advice rendered to corporate officers involved in a protracted governance dispute, resulting in a complete defense summary judgment on substantive as well as procedural grounds.
- Defended sellers of a design and manufacturing company against purchaser warranty claims based upon patented rail technologies. Achieved a preliminary dismissal of the adversary's highest-value claim against our clients, which led to a settlement on highly favorable terms.
- Prosecuted claims brought by a German publisher over its rights to receive priority distribution of proceeds from the sale of an Xbox video game, leading to a substantial monetary recovery against a leading Xbox production firm.
- Defended a software firm against trade secrecy claims arising from replacement of the plaintiff firm's facilities management software system, leading to a settlement on highly favorable terms.
- Defended a national university and research professor against claims involving the sponsorship and licensing of patented cancer biomarkers. Achieved a preliminary dismissal of both clients on jurisdictional grounds, which afforded them substantive and procedural advantages in an alternative forum.
- Defended claims against a nationally recognized surgeon for a share of royalties based upon sales of patented surgical technologies that the client had invented, resulting in a favorable settlement.

