



→ Tenaya Rodewald

Partner

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Tenaya Rodewald is a partner in the Litigation and Privacy and Cybersecurity practices, and divides her time between the firm's Silicon Valley and Brussels offices.

Areas of Practice

Tenaya's litigation practice focuses on intellectual property, media law, defamation defense and First Amendment litigation. She has represented media clients, online music and video distributors, computer hardware manufacturers, nonprofits, and others in litigation in state and federal court.

Tenaya also advises clients of all sizes on legal issues related to privacy, media law and online content distribution, including state and federal privacy laws, intellectual property compliance and enforcement, the Computer Fraud and Abuse Act, data breach response, and responding to private litigant and government demands for information. Tenaya's recent work has focused on helping global companies, startups and non-profit organizations comply with the European General Data Protection Regulation (GDPR) and California Consumer Privacy Act (CCPA).

Tenaya was awarded *American Lawyer's* 2020 Tony Mauro Media Lawyer Award recognizing her zealous advocacy for freedom of the press. She is also deeply committed to pro bono work and was recognized by Sheppard Mullin as Bob Gerber Pro Bono Attorney of the Year in 2019 for her work on a series of cases protecting the public's right to know about police uses of force and misconduct in California.

Prior to joining Sheppard Mullin, Tenaya was an associate at Quinn Emanuel Urquhart and Sullivan LLP and at a boutique litigation firm in Los Angeles. Tenaya earned a Ph.D. in Neuroscience from the University of California, San Diego.

Honors

American Lawyer's 2020 Tony Mauro Media Lawyer Award

James Madison Freedom of Information Award, Society of Professional Journalists, NorCal Chapter

Bob Gerber Pro Bono Attorney of the Year Award, 2019

Experience

Media and First Amendment Litigation

- In *VanderSloot v. Foundation for National Progress*, a defamation action by a billionaire Idaho businessman, obtained summary judgment in favor of news media clients and waiver of right to appeal. The court held that Mother Jones did not defame plaintiffs because all of the statements at issue were non-actionable truth or substantial truth and protected as fair comment under the First Amendment.
- Represented media clients in litigation across the state of California to enforce the public right of access to records of police serious uses of force and misconduct and obtained published opinion upholding access to records. *Walnut Creek Police Officers' Assn. v. City of Walnut Creek*, 33 Cal.App.5th 940 (2019).
- Represented media clients and obtained published appellate court ruling setting important precedent protecting the rights of public records requestors to intervene in "reverse PRA" cases and to recover their attorney's fees if they prevail. *Carlsbad Police Officers Assn. v. City of Carlsbad*, 49 Cal. App. 5th 135 (2020).
- Obtained dismissal of defamation action brought against media client in Kentucky state court based on a Tweet.
- Successfully quashed subpoenas to the Electronic Frontier Foundation that would have invaded EFF's First Amendment rights and reporter's privilege.
- Brought successful motions under California's anti-SLAPP statute, striking claims as diverse as fraud, conspiracy and civil RICO claims.

Copyright, Trademark and Trade Secret Litigation

- Represented Silicon Valley software startup in copyright and trade secret litigation brought by former employer of the company's principals, obtaining a favorable settlement securing the company's rights to its software and ability to operate after filing opposition to the plaintiff's motion for preliminary injunction.
- Successfully pursued cybersquatting and trademark infringement claims on behalf of an international online entertainment client against the operators of infringing websites in Europe; case settled with assignment of trademarks and domain names to client after rulings in favor of client on various pre-trial motions.
- Successfully defended online content distributor from claims of copyright infringement in litigation in Tennessee and obtained favorable resolution of claims in California.
- Represented established California software provider in trade secret and theft-of-idea litigation, obtaining prompt resolution through nominal financial settlement.
- Advised San Francisco-based software provider in addressing, without litigation, concerns regarding trade secret misappropriation by foreign contract software developer.

Patent Litigation

- Represented an international computer hardware manufacturer in complex multiple patent litigation, defeating a motion for preliminary injunction, and successfully obtaining a stay of litigation pending reexamination and invalidation or amendment of most asserted claims.
- Represented electronics retailer in settling patent infringement dispute and obtaining a license on favorable terms.

Other Representative Matters

- Obtained two denials of class certification in federal consumer class action brought against major hard drive manufacturer. *In re Seagate Tech. LLC Litig.*, No. 16-cv-00523-JCS, 2019 U.S. Dist. LEXIS 10234, 2019 WL 282369 (N.D. Cal. Jan. 22, 2019) (denying plaintiffs' second attempt at class certification).
- Obtained dismissal of retail client from putative class action alleging RICO claims.
- Represented electronics retailer in state court complex action involving fraud, contract and unfair business practices claims and counter-claims.
- Representing and counseling clients in handling disputes that may be within the scope of Section 230 of the Communications Decency Act.

Advice and Counseling

Privacy Compliance: Counseling media, retail, technology and nonprofit clients on privacy compliance including implementing compliance programs under the EU General Data Protection Regulation (GDPR), and the California Consumer Privacy Act (CCPA). Clients include international online entertainment company, international pharmaceutical company, global beauty company, international non-profit organization, startups, mobile game developer and others.

Copyright, Digital Millennium Copyright Act, and IP Rights Enforcement: Counseling clients on copyright and DMCA compliance, on the one hand, and copyright and rights enforcement on the other.

Scraping, Web Crawling and Computer Fraud and Abuse Act Issues: Advising clients on compliance and in disputes concerning accessing and collecting online information. Clients include online services providers, journalists and publishers.

Pre-publication and Pre-broadcast Training: Providing training for editors and publishers in mitigating defamation, privacy, and intellectual property rights risks prior to publication.

Subpoena and Warrant Response: Assisting U.S. and non-U.S. clients in responding to private litigant and government demands for information, including demands for user data and identifying information.

Articles

- Eye on Privacy 2021 Year in Review
01.11.2022
- California Police Transparency Guide
First Amendment Coalition, 10.2020
- Patent Reform: The Impact on Start-Ups
Intellectual Property & Technology Law Journal, 01.2012

Class Action Defense Strategy Blog Posts

- "Cutting the Cord on Video Privacy Protection Act Claims – The Emerging Non-Consumer Defense," June 6, 2023

Eye on Privacy Blog Posts

- "Bavarian DPA Holds SCCs Alone Not Enough for European Use of US Email Service," April 13, 2021

Social Media Law Blog Posts

- "Proposed California Legislation Would Limit and Possibly Punish Non-Disparagement Clauses in Online Consumer Contracts," April 28, 2014

Venture Law and Video Game Law Blog Posts

- "Begin at the Beginning, Go on until You Reboot, and then... (Silicon Valley – Season 3 Finale)," July 1, 2016
- "Pied Piper Is Like Empty Tables, and Empty Chairs (Silicon Valley – Episode 27)," June 27, 2016
- "...And The Unicorn You Rode In On (Silicon Valley – Episode 26)," June 17, 2016
- "Legal Issues Regarding Venture Capital & Emerging Growth Companies Happy Times, High Crimes and Misdemeanors (Silicon Valley – Episode 25)," June 10, 2016
- "Big Head, Big Dreams, Big Mistake?," May 27, 2016
- "Laurie & Monica Out-Action Jack...and Other Fiduciary Duties (Silicon Valley – Episode 22)," May 20, 2016
- "Trade Secrets and Lies (Silicon Valley – Episode 21)," May 13, 2016
- "Jack's Box (Silicon Valley – Episode 20)," May 6, 2016
- "Success Is Not Always Founder Friendly (Silicon Valley – Episode 19)," April 29, 2016
- "The Days of the Vultures (Silicon Valley - Season 2 Finale)," June 22, 2015
- "Rogue Witnesses (Silicon Valley, Episode 17)," June 12, 2015
- "Board Games (Silicon Valley, Episode 16)," June 5, 2015
- "Other Peoples' (Adult) Content (Episode 15)," May 29, 2015
- "'Say it ain't so, bro!' (Episode 14)," May 22, 2015
- "VC's running scared – Hooli is suing Pied Piper (Episodes 9 and 10) *continued*," May 18, 2015
- "VC's running scared – Hooli is suing Pied Piper (Episodes 9 and 10)," May 15, 2015

Books

Trade Secret Litigation and Protection: A Practice Guide to the DTSA and the CUTSA
04.2022

Media Mentions

Beacon of Justice 2021 Awardees
National Legal Aid & Defender Association, Issue 10

Meet the Sheppard Mullin Litigator Facing Off with California Police Unions Over Misconduct Records
The American Lawyer, 08.03.2020

Court upholds broad release of police misconduct records in California
San Francisco Chronicle, 04.02.2019

Seagate Hard Drive Consumers Denied Class Cert.
Law360, 07.06.2018

Speaking Engagements

Hot Issues in Access and Newsgathering panelist, *ABA Forum on Communications Law*, Jan. 27, 2021 to Feb. 2, 2021; 2020

Hot Issues in Access and Newsgathering panelist and Media Advocacy Workshop faculty member, *ABA Forum on Communications Law*, February 6-8, 2020

"Privacy Issues and GDPR," *Santa Clara Law In-House Counsel Institute*, June 25, 2018

Data Privacy, *Hastings Business Law Journal Symposium*, March 15, 2018

Events

Class Action Threats in 2023 And Beyond - A Webinar Series
Webinar Series, 2023

Data Beware! Class Actions in the Privacy and Data Sharing Space
Class Action Threats in 2023 and Beyond - A Webinar Series
Webinar, 06.13.2023

Memberships

International Association of Privacy Professionals

ABA Forum on Communications Law

Media Law Resource Center

Podcasts & Webinars

Data Beware! Defending Class Actions in the Privacy and Data-Sharing Space
06.13.2023

Practices

Entertainment, Technology and Advertising

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

IP Licensing, Technology and Commercial Transactions

Patent Litigation

Trade Secrets

Trademark Applications and Prosecution

Litigation

Class Action Defense

Privacy and Cybersecurity

Industries

Artificial Intelligence

Entertainment, Technology and Advertising

Esports & Games

Education

J.D., New York University School of Law, 2006, *cum laude*

Ph.D., University of California, San Diego, 2003

B.A., University of California, Berkeley, 1997, *highest honors*

Clerkships

Intern to the Honorable Naomi Reice Buchwald, United States District Court, Southern District of New York

Intern in the United States Attorney's Office, Civil Division, Southern District of New York

Admissions

California

Northern and Central Districts of California