

JULIE ANN SHEPARD, Partner

Julie Ann Shepard litigates in trial and appellate courts nationwide. She has defended her clients' rights in trade secrets, copyright, trademark, patent, piracy, antitrust, unfair competition, fraud and related business tort cases. Ms. Shepard has arbitrated and counseled clients regarding entertainment-related disputes, including profit participation. She has handled numerous shareholder class actions. Ms. Shepard is leading the charge on ground-breaking technology and intellectual property matters in the rapidly evolving area of content distribution. Her practice includes a focus on developing strategies involving new technologies, advanced media, internet law, privacy and content licensing.

In April 2016, Ms. Shepard was part of the trial team that secured a \$940 million jury verdict and permanent injunction in a significant trade secret case, one of the largest trade secret verdicts in US history. Ms. Shepard and the team received a 2017 *California Lawyer* "Attorney of the Year" award for the results they achieved. *The Recorder* has recognized Ms. Shepard for three consecutive years starting in 2016 in its "Women Leaders in Tech Law" lists for her work in the technology sector. She was one of just 26 litigators recognized in *Variety's* 2015 "Legal Impact Report," a listing of the top lawyers in the entertainment industry, and one of the "Top 50 Entertainment Lawyers" in California, as recognized by the *Daily Journal* in 2015. The *Daily Journal* also named her one of California's "Top Women Lawyers" in 2017. Ms. Shepard is a partner in the firm's Litigation Department and a member of the nationally recognized Content, Media and Entertainment Practice and Privacy and Information Governance Practice. She also serves on the Diversity & Inclusion Committee and the Associate Review Committee.

Prior to entering private practice, Ms. Shepard served as staff attorney for the Honorable Roland J. Faricy in St. Paul, Minnesota and as a judicial extern to the Superior Court of the County of Sacramento, California. She has acted as a certified special assistant deputy attorney for the City of Los Angeles through the Los Angeles County Bar Trial Advocacy Project. Immediately prior to joining Jenner & Block, Ms. Shepard was a partner at a large international law firm.

Ms. Shepard's representative engagements include:

- *Epic Systems Corp. v. Tata Consultancy Services Ltd.*: Secured a \$940 million trade secret verdict for Epic Systems Corp., one of the leading health care software companies in the United States, in a substantial corporate espionage case against Tata Consultancy Services (TCS), which is a part of one of the largest industrial conglomerates in India. After a 10-day trial, an eight-member jury found that TCS, a hired consultant, stole Epic's trade secrets and other confidential information about Epic's proprietary software. The verdict represents one of the largest trade secret verdicts in US history and perhaps the largest verdict of any kind in Wisconsin.
- *WNET v. Aereo, Inc.*: Represented a consortium of broadcast television companies (including Fox Television Stations, PBS, WPIX, Univision Television Group, and WNET) in a copyright infringement case against Aereo, Inc., a company that captured over-the-air television programming



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PRACTICE GROUPS

Antitrust and Competition Law
Content, Media and Entertainment
Intellectual Property
Litigation
Sports and Gaming
Trade Secrets and Restrictive Covenants
Trademark, Advertising and Unfair
Competition Practice

INDUSTRY GROUPS

Cybersecurity

EDUCATION

University of the Pacific, McGeorge School of Law, J.D., 1994; with Great Distinction, Order of the Coif

University of California, B.A., 1988

ADMISSIONS

California

COURT ADMISSIONS

US District Court, Central District of California

US District Court, Eastern District of California

US District Court, Northern District of California

US District Court, Southern District of California

US Court of Appeals, Tenth Circuit

US Court of Appeals, Second Circuit

and retransmitted it over the Internet without the authority of the copyright owners. On June 25, 2014, the US Supreme Court ruled in favor of the broadcasters, resulting in a monumental win for our clients regarding the scope of the public performance right for over-the-air broadcasts. On remand, a preliminary injunction was secured with US District Judge Alison Nathan (S.D.N.Y) finding Aereo publicly performed and also rejecting Aereo's defense that it was entitled to a compulsory license under Section 111 of the Copyright Act. Ms. Shepard continued to represent the broadcasters in the bankruptcy proceedings, in which a settlement was reached in June 2015 with Aereo permanently enjoined.

- *Community Television of Utah, et al. v. Aereo, Inc.*: Earned an important victory for Fox Broadcasting Company, as well as for local Utah Fox, CBS and MyNetwork television stations, after US District Judge Dale Kimball (D. Utah) granted a preliminary injunction blocking online streaming service Aereo from rebroadcasting Fox's and the other broadcasters' copyrighted content within the geographic reach of the Tenth Circuit. This matter was part of a larger copyright infringement battle that threatened the over-the-air broadcasting business model.
- *Fox Television Stations v. FilmOn X*: Secured preliminary injunctions on behalf of Fox in the Central District of California and the District of Columbia against FilmOn X for infringing Fox copyrights by retransmitting via the Internet Fox's over-the-air broadcast without authorization. The decisions issued by US District Judges George Wu (C.D. Cal) and Rosemary Collyer (D.D.C) represented a significant victory for the entire broadcast industry because these well-reasoned decisions disagreed with *Cartoon Network LP, LLLP v. CSC Holdings, Inc.*, which held that Cablevision's Remote Storage DVR did not violate the broadcaster plaintiffs' exclusive public performance rights. These decisions served as important precursors to the Supreme Court's decision in Aereo noted above. After Aereo confirmed Judge Wu and Judge Collyer had correctly found against FilmOn X on the issue of public performance, FilmOn asserted as a new defense to its infringement that it was entitled to a compulsory license under Section 111 of the Copyright Act. Judge Collyer rejected FilmOn X's section 111 defense and granted summary judgment to Fox on its claim that FilmOn X violated its copyrights. While Judge Wu initially ruled in FilmOn X's favor, that ruling was overturned by the Ninth Circuit. Shortly thereafter, a resolution was reached that included nationwide permanent injunctions being entered against FilmOn X.
- *FilmOn X LLC v. Window to the World Communications, Inc.*: Represented Window to the World Communications (WTTW), Chicago's PBS station, in its case against FilmOn X in N.D. Ill. On summary judgment, the judge ruled in WTTW's favor, finding that FilmOn X is not entitled to a compulsory license to retransmit broadcast television because Section 111 of the Copyright Act does not apply to FilmOn X's Internet-based retransmission service based on the plain language of the statute. Further, the judge considered (and rejected) FilmOn X's other arguments, and issued an opinion detailing why it is appropriate to defer to the Copyright Office's interpretation of the Section 111. A permanent injunction has been entered

against FilmOn X.

- Representing major television companies in connection with contractual disputes over participation interests in television series.
- *FX Networks, LLC v. DISH Network, LLC*: Represented FX against DISH and Starz Entertainment in a California state court action aimed at upholding the windowing system upon which motion picture licensors and licensees have relied for years. FX's claims arose from DISH's year-long free giveaway of multiple pay television channels to existing DISH subscribers. The action, which was resolved in a settlement, sought redress for the violations of FX's exclusive rights to distribute certain motion pictures in the movies' first free television/basic cable windows.
- *Fox Broadcasting Company v. DISH Network, LLC*: Represented Fox Network in a copyright infringement and breach of contract lawsuit against DISH Network, arising from DISH's unauthorized commercial-free video-on-demand and Internet streaming services.
- *Echostar Satellite v. NDS Group PLC*: Represented smart card provider NDS Group in a \$1.6 billion piracy lawsuit brought by DISH Network in the US District Court for the Central District of California. After a five-week trial and six hours of deliberations, jurors ruled in favor of NDS on the majority of allegations, awarding \$45.69 in actual damages. The case was described in the media as the largest corporate espionage case in US history, and the *Daily Journal* named the victory one of the top 10 California defense verdicts of the year.
- *Jim Brown v. Brett Brewer*: Represented former officers and directors of Intermix Media, Inc. in a class action—alleging breaches of fiduciary duty under Delaware law and violation of Section 14(a) of the Securities Exchange Act of 1934—relating to the sale of Intermix, including MySpace.com. Also represented investment banks who were named as defendants in the same action and succeeded on a motion to dismiss the banks from the suit. Was also successful in having three of the six counts that the plaintiff originally brought against the group of directors dismissed. The matter, filed in the Central District of California, was subsequently settled.
- *In re News Corporation Shareholder Derivative Litigation*: Represented News Corporation in multiple derivative and class actions arising from the alleged news gathering practices of *News of the World*, a newspaper once operated by News International, a subsidiary of News Corp. Some of the cases also involved claims arising from News Corp.'s acquisition of Shine Group, an international production company in which Elisabeth Murdoch held the majority interest. The claims included breach of fiduciary duty, corporate waste, and violations of sections 10(b) and 14(a) of the Securities Exchange Act of 1934.
- *Brad Greenspan v. Intermix Media*: Represented the former CEO and COO of Intermix as well as other former Intermix directors in an action brought by Intermix's largest individual shareholder, Brad Greenspan. Greenspan alleged various breaches of fiduciary duty under Delaware law relating to the sale of Intermix, including MySpace.com, to News Corporation. The case was dismissed at the pleading stage with the California Court of Appeal upholding the case's dismissal.
- *Insignia Systems, Inc. v. News America Marketing*: Represented one of the nation's largest providers of advertising and promotions in supermarkets and drugstores in connection with various state and federal antitrust and false advertising claims. The multimillion-dollar lawsuit was eventually settled during trial in federal court in Minnesota.
- Represented a well-known restaurant chain in securing a preliminary injunction against trademark infringement by a former franchisee.
- Defended motion picture studios against idea submission and copyright infringement claims based on alleged substantial similarity.
- Litigated contract issues arising from product placement in a major motion picture.

- *DIRECTV v. Paxson Communications*: Successfully defended DIRECTV against a TRO/preliminary injunction seeking to prevent DIRECTV from taking down Paxson's channel.
- *DIRECTV v. Lifetime Entertainment Services*: Represented DIRECTV in an action to uphold the company's most favored nation rights in connection with DIRECTV's carriage of television channels Lifetime and Lifetime Movie Network.
- *Astaire v. McKenzie Astaire*: Represented the daughter of Fred Astaire, securing dismissal at the pleading stage of a claim for violation of the California posthumous right of publicity statute brought by Mr. Astaire's widow.

Awards

- *California Lawyer & Daily Journal*
California Lawyer Attorney of the Year (CLAY) Award, 2017
- *Daily Journal*
Top Women Lawyers, 2017
Top 50 Entertainment Lawyers in California, 2015
- *Variety*
Legal Impact Report, 2015
- *The Recorder*
Women Leaders in Tech Law, 2016-2018
- *LA Business Journal*
Most Influential Women Attorneys, 2017 and 2018
- *Legal 500*
Media, Technology and Telecoms - Media and Entertainment: Litigation, 2020
Trade Secrets (Litigation and Non-Contentious Matters), 2021
- *Southern California Super Lawyers*
"Rising Star," 2006

Service to the Bar

- American Bar Association, Member
- Los Angeles County Bar Association, Member

Publications

- Co-Author, Client Alert: California Privacy Protection Agency Invites Comments on Proposed Rulemaking; Appoints First Executive Director, October 15, 2021
- Co-Author, "When a Blog Post Leads to Antitrust Liability," *Law360*, October 12, 2018
- Client Alert: Named Plaintiff Drops Claims Against Gannett as the Definition of "Personally Identifiable Information" Under the Video Privacy Protection Act Evolves, April 10, 2017
- Client Alert: Vizio Pays \$2.2 Million Fine to Settle Smart TV Spying Charges, February 13, 2017
- Client Alert: Supreme Court Declines to Weigh in on What Constitutes "Personally Identifiable Information" Protected by the Video Privacy Protection Act, January 17, 2017

- Client Alert: First Circuit Refuses to Narrow Free App User's Privacy Claims Under the VPPA, May 10, 2016
- "Rulings Narrow Video Privacy Actions," *Daily Journal*, April 23, 2015
- "Something Old, Something New: Recent Inventorship Cases Reaffirm Some Age-Old Concepts on Application of *Laches*, but Depart From Established Precedents on Others," *Intellectual Property & Technology Law Journal*, Vol. 20, No. 6, June 2008