



David Leit

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David Leit is a technology and intellectual property lawyer. With an unusual "hybrid" practice advising clients both on transactions and on litigation, David's deep experience in both areas allows him to bring his unique perspective to bear on their IP and technology issues. In litigated matters, his transactional experience gives him insight into how a dispute likely will arise, which allows him to efficiently focus efforts to unearth the key evidence in a dispute. In transactions, his knowledge of how a deal may turn into a dispute helps him focus clients on the details most likely to truly matter over time.

An IP and technology law veteran, David knows well that the law consistently lags behind the latest technological innovations. David helps his clients anticipate the challenges they will likely face with cutting-edge issues: how to protect intellectual property that can be easily duplicated and distributed digitally, managing and using data in light of emerging and changing data privacy standards, protecting geographically limited trademarks in an increasingly global commercial marketplace, and dealing with the legal challenges of "big data." In these legal frontiers, David helps his clients make informed judgments and manage risk in an uncertain environment.

David enjoys working closely with his clients. He immerses himself in his clients' businesses, gaining an understanding of how the legal issues fit into the overall business objectives. This leads to a highly pragmatic approach to advising clients. David believes in a cost-effective approach that balances risk and reward in a manner that is sensible for each issue, for each client, in each context. While a "leave no stone unturned" approach can be appropriate in some circumstances, David knows that exhaustive efforts to nail down inherently uncertain risks can lead to "paralysis by analysis."

Outside the office, David is heavily involved in community and civic organizations. He is a Trustee of Temple Sharey Tefilo-Israel, where he formerly chaired the Religious School Board and served as Vice President of Education. He chairs the Religious Pluralism Committee of the Jewish Federation of Greater Metrowest (a committee that reports up to his partner Gary Wings' United Allocation Committee). He has coached over 10 seasons of youth recreational and travel softball and baseball teams, and chairs the Rules Committee for South Orange-Maplewood Baseball.

When not advising clients and pursuing his many civic interests, David can often be found riding his bike, swimming, and running down a road, training for triathlons – a recent hobby his wife regards as a midlife crisis, but a relatively benign one.

HONORS & AWARDS

- > **Super Lawyers: Rising Star (2007-2009)**

NEWS & INSIGHTS

Publications

- > October 31, 2017
"Wisconsin's Central Role in the Future of Partisan Gerrymandering," *Wisconsin Law Journal*
David Leit

In the Media

- > August 7, 2019
David Leit is interviewed by *Financial Planning* in an article about FinancialApps' suit against former partner Envestnet|Yodlee for fraud and misappropriation of trade secrets. He comments on the lack of specific breach of contract claims and reliance on alleged statements made outside of the agreement's contracts: "The problem with these kinds of cases is that you have to prove that the defendant was lying or defrauding at the time they started working with the plaintiff. ... If the defendant can show that either it never made such promises, or that whatever promises it made at the time were genuine, that is a strong defense." Leit observes that FinApps must prove that the code it provided Envestnet constituted a trade secret: "The formula for Coke may be a trade secret, but if I come up with my own formulation for a drink that tastes just like Coke, that isn't trade secret misappropriation." He also remarks that hiring President Donald J. Trump's personal attorney, Marc Kasowitz, indicates that FinApps is pursuing a "bet the company" strategy.
- > September 10, 2018
The **New Jersey Business & Industry Association** quotes **David Leit** and mentions **Gavin J. Rooney** and **Craig Dashiell** in an article discussing the uncertain future of the Deferred

Action for Childhood Arrivals (DACA) program, despite the U.S. District Court for the Southern District of Texas denying the plaintiff states' request for a preliminary injunction to halt the program. Leit, who, along with Rooney and Dashiell, led the Lowenstein team that authored and filed an amicus brief supporting the State of New Jersey's opposition to the injunction, notes that the amicus brief's principal argument, that suddenly halting DACA would cause significant economic harm to New Jersey businesses and organizations, was accepted by the Court as a basis to deny the injunction.

> May 30-June 1; September 4-7, 2018

Capacity Media, The PE Hub Network, Fiber Optics Online, TMCNet.com, PR Newswire (May 30, 2018; September 4, 2018), and TeleGeography note Lowenstein Sandler's representation of Hudson Fiber Network, portfolio company of Tiger Infrastructure Partners, in its all-cash merger agreement with ExteNet Systems, Inc. (Lowenstein deal team: **Michael A. Brosse, Eric Swartz, Justin Gindi, David Leit, Michael Walutes, Megan Monson, Darren Goodman, Alexandra S. Droz, Eric Jesse, Lesley P. Adamo, and Marc S. Kurzweil.**)

> July 26-27, 2018

ROI, NJBIZ, the New Jersey Business & Industry Association, and NorthJersey.com highlight Lowenstein Sandler's leading role in authoring and filing an amicus brief in *State of Texas, et al. v. United States of America, et al.*, on behalf of New Jersey businesses, associations, and nonprofit institutions, supporting the State of New Jersey's opposition to Texas's motion to preliminarily enjoin the Deferred Action for Childhood Arrivals (DACA) program in a case pending in the U.S. District Court for the Southern District of Texas. The brief highlights the significant harms to the New Jersey economy and New Jersey businesses that would result if DACA were enjoined and thousands of New Jerseyans suddenly became unable to contribute to the state's economy by working, attending school, and paying taxes. **David Leit, Gavin J. Rooney, and Craig Dashiell** were the lead attorneys on the brief. **Read Lowenstein's announcement about the brief; click here for a copy of the document.**

EDUCATION

- > Columbia University School of Law (J.D. 1995), James Kent Scholar, Harlan Fiske Stone Scholar, Samuel I. Rosenman Prize for Public Interest
- > Stanford University (A.B. 1991), David Starr Jordan Scholar

ADMISSIONS

- > New York
- > New Jersey