

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SYNTEL STERLING BEST SHORES MAURITIUS
LIMITED and SYNTEL, INC.,

Plaintiffs and Counterclaim-Defendants,

v.

THE TRIZETTO GROUP, INC.
and COGNIZANT TECHNOLOGY SOLUTIONS
CORP.,

Defendants and Counterclaim-Plaintiffs.

1:15-CV-00211 (LGS) (SDA)

Hon. Lorna G. Schofield

**NOTICE OF MOTION FOR JUDGMENT AS A MATTER OF LAW, A NEW TRIAL,
OR REMITTITUR UNDER RULES 50(b) AND 59**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Plaintiffs/Counterclaim-Defendants Syntel Sterling Best Shores Mauritius Limited and Syntel, Inc. (collectively, "Syntel") hereby move this Court, before the Honorable Lorna G. Schofield, United States District Judge for the Southern District of New York, on a date and time to be determined by the Court, at the United States Courthouse, Courtroom 1106, 40 Foley Square, New York, New York, for Judgment as a Matter of Law ("JMOL") under Federal Rule of Civil Procedure 50(b) or, in the alternative, a new trial or remittitur under Federal Rule of Civil Procedure 59 in connection with the Defend Trade Secrets Act ("DTSA"), New York trade secret misappropriation, and copyright claims brought by The TriZetto Group, Inc. and Cognizant Technology Solutions Corp. (collectively, "TriZetto"). Syntel respectfully seeks an order granting the following:

- JMOL on both the DTSA and New York trade secret misappropriation claims (the “trade secret claims”) for the 102 trade secrets not subject to the Preclusion Order because Syntel’s use was authorized by TriZetto;
- JMOL on all trade secret claims and copyright claims because TriZetto waived these claims;
- JMOL on all trade secret claims and copyright claims because TriZetto is estopped from bringing these claims;
- JMOL on all trade secret claims because TriZetto failed to adequately specify any of the asserted trade secrets;
- To the extent JMOL is granted on only a portion of the trade secret claims, a new trial is required under the general verdict rule for any remaining trade secret claims;
- JMOL on the DTSA claims because there was no evidence of misappropriation after the effective date of May 11, 2016 and JMOL or, in the alternative remittitur or a new trial, on the jury’s \$285M DTSA damages award because no causal connection exists between the alleged DTSA misappropriation and the damages award;
- JMOL on the jury’s reasonable royalty damages awards for New York trade secret misappropriation and copyright infringement because the awards were improperly based on avoided costs and improper damages methodology;
- Judgement in Syntel’s favor, or in the alternative remittitur or a new trial on the jury’s punitive damages award because the award is excessive, not proportional to Syntel’s actions, and beyond constitutional limits.

Dated: December 4, 2020
New York, New York

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &
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By: /s/ Nicholas P. Groombridge

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