

Intellectual Property 2013

One of the striking things about picking the list of top intellectual property attorneys, aside from the difficulty of choosing among hundreds of highly qualified nominees, is the diversity of their achievements. The litigators chosen travel the country to do battle for their clients. While these attorneys' work has stretched worldwide, some of the biggest cases of the past year took place in California. To qualify for the list, an attorney must be based in California even if much of his or her work is done elsewhere, such as the U.S. International Trade Commission in Washington, D.C., the U.S. Patent and Trademark Office in Virginia, and district courts in Texas, Delaware, Illinois and elsewhere. And their focus must be on intellectual property, as opposed to general litigators who sometimes handle such work.

— The Editors

Top 75 Intellectual Property Litigators

Perry J. Viscounty

Latham & Watkins LLP | Costa Mesa

Patent, trademark, copyright



It's not often that an attorney will refer to a high-stakes trade-secret misappropriation case as "fun."

But that's just how Viscounty described a trial in January in which he got his client an \$18 million victory. After a four-week jury trial in Los Angeles Superior Court, Viscounty led his client, America Chung Nam Inc., a recycled-paper exporting company based in City of Industry, to a \$13.1 million verdict. The court also awarded \$5 million in punitive damages.

"It was a very fun trial that went very well for us," Viscounty said. "And obviously our client is very happy."

In 2010, ACN competitor Cycle Link hired ACN's senior logistics executive and later employed one of ACN's senior wastepaper buyers. The two former employees then contacted ACN's suppliers, according to the lawsuit. ACN sued Cycle Link and the two employees in 2011 for trade secret misappropriation, unfair competition and breach of contract. *America Chung Nam LLC v. Cycle Link (USA) Inc.*,

BC462000 (L.A. Super. Ct., filed 2011).

The jury awarded the recycling company \$13,145,890 — all the damages it requested. The panel also found unanimously that Cycle Link acted willfully and maliciously, which allowed Judge Victor Chavez to award ACN the punitive damages against Cycle Link and the two former employees.

Post-trial, ACN discovered that two jury members had wanted to award it more than \$13.1 million in compensatory damages.

"We were really happy to learn that the two jury members who voted against \$13.1 million in damages did so because they wanted to give ACN more than that," Viscounty said. "Juries don't take damages lightly."

Viscounty said he plans to request attorneys' fees and costs for ACN.

— Alexandra Schwappach