In The News

Litigator of the Week: TAOS' Win in Trade Secrets Case Hinged on Detailed Timeline

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Texas Lawyer

When Jamil Alibhai started to conduct discovery for the trade secret misappropriation, breach of contract, patent infringement and tortious interference claims that his corporate client filed against Intersil Corp., the Dallas lawyer had a specific goal in mind.

"We had to be able to show what the other side knew before and after they met us," Alibhai recalled, with "us" referring to the executives and engineers of his corporate client, Texas Advanced Optoelectronic Solutions (TAOS).

By following that mandate and developing a detailed timeline, Alibhai set the stage so that he and his co-counsel and partner Michael McCabe could effectively cross-examine defense witnesses over the four-week trial.

Their client won a verdict on March 6 that includes $48.7 million in damages for trade secret misappropriation, $12 million for royalties for failure to comply with a confidentiality agreement and $10 million in punitive damages, all of which could lead to an even higher judgment.

In Texas Advanced Optoelectronic Solutions v. Intersil, filed in the U.S. District Court in the Eastern District of Texas, TAOS sought to protect a patent and technology related to dual-diode ambient light sensors, tools used to adjust video displays. TAOS alleged that Intersil tried to acquire TAOS in 2004, but when it didn't make a reasonable offer, it "chose to embark on a course of conduct that involved lying, cheating and stealing," according to what Alibhai reported he told jurors during closing arguments.

Jeff Bragalone of Dallas' Bragalone Conroy represents Intersil. He referred all calls to corporate spokeswoman Shannon Pleasant, who did not respond to an email or call by press time. In a 2009 filed answer to TAOS' complaint, Intersil denied the allegations and sought in a counterclaim that TAOS' patent be declared invalid.

At trial, Alibhai and McCabe split responsibilities, each questioning wit-nesses and sharing the closing arguments. But the focus of both was the chronology they had developed during discovery.

"One of the things that we did right was prepare this case from the very beginning so we knew what the timeline looked like. We took depositions with that focus," Alibhai said.

As a result, at trial, McCabe said, "the defendant's story fell apart."

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