

## TOP TRADE SECRETS LAWYERS 2019

William R. Overend

Overend is an intellectual property and trade secrets attorney who enjoys learning the intricate technology issues behind each new case he litigates.

One such case is *Lumileds v. Elec-Tech International Co. Ltd.*, 2015-1-cv-278566 (S.C. Sup. Ct., filed Mar. 24, 2015), in which Overend was lead technical counsel for an LED maker that claimed its proprietary technology had been stolen by a Chinese firm.

The first thing to do in such a case is to learn the science behind each piece of technology, so it can be translated to a jury, Overend said.

Of his client's product, he said: "They are made with reactors that grow crystalline structures at an atomic level onto a wafer that later becomes part of an LED."

Overend added, "We rely heavily on our clients to educate us. The folks at Lumileds had a fantastic team of engineers who worked closely with us to understand the technology."

According to Overend, Elec-Tech International paid a Lumileds employee a "substantial amount of money," until he quit to join the Chinese firm, taking the trade secrets with him.

After a four-week trial, a jury awarded Lumileds \$66 million in August 2018, finding Elec-Tech had misappropriated and used Lumileds' trade secrets for foundational epitaxy technology used to produce its LED product. The case represented one of the most significant complex trade secrets trials in the last two years. Overend later won a week-long

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bench trial this February in the same case, where Lumileds presented experts and significant evidence that clearly demonstrated the appropriateness of a permanent worldwide injunction, he said. On May 6, the court granted the injunction, immediately prohibiting Elec-Tech and its affiliates from using, disclosing, licensing, or selling Lumileds' epitaxy technology trade secrets, which defendants were found to have misappropriated.

"This was a case where Lumileds had spent years of effort and tens of millions of dollars developing these epitaxy techniques that were their core trade secrets," Overend said.

— Carter Stoddard

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