



Jay A. Yurkiw

Jay litigates business disputes involving technology, intellectual property, financial services, and contract rights. He regularly advises clients on and litigates, copyright, covenant not to compete, cybersquatting, defamation, e-discovery, false advertising, social media, trade dress, trademark, trade secret and unfair competition issues. Jay also has litigated claims brought under the Uniform Commercial Code, the Telephone Consumer Protection Act, Fair Credit Reporting Act, the Ohio Consumer Sales Practices Act and the Ohio Deceptive Trade Practices Act.

Jay is the chair of the firm's E-Discovery Practice Group and regularly advises clients on the management and discovery of electronically stored information and computer forensic investigations.

He is also the co-chair of the firm's Social Media Practice Group. Jay regularly speaks and writes about technology, e-discovery and brand protection issues. He is a regular contributor to the *Technology Law Source* blog.

Jay clerked for retired United States Magistrate Judge Mark R. Abel of the United States District Court for the Southern District of Ohio before joining the firm. He is a past president of the Columbus Chapter of the Federal Bar Association.

Representative Matters

Trade Secrets & Covenants Not to Compete

- Defended software developer at trial in trade secret action brought by former employer
- Represented national insurance company in non-solicitation and trade secret action and obtained a preliminary injunction against a group of former employees who formed a competing firm

Partner

jjurkiw@porterwright.com
614.227.2012
www.porterwright.com

41 South High Street
Suite 2900
Columbus, OH 43215

SOCIAL MEDIA

Blogs

bankingandfinancelawreport.com
employerlawreport.com
fedseclaw.com
technologylawsource.com

Twitter

@JayYurkiw

EDUCATION

The Ohio State University College of Law, J.D., *with honors*, 1997

University of Notre Dame, B.A.,
magna cum laude, 1994

SERVICES

Litigation

- Arbitration and mediation
- Commercial litigation
- E-Discovery
- Health Care litigation
- Intellectual property litigation
- Non-competition and trade secrets litigation
- Financial services litigation

- Defended health care company in covenant not to compete and trade secret action and successfully argued against issuance of temporary restraining order and preliminary injunction
- Obtained temporary restraining order against former employee requiring the return of confidential business information that he threatened to disclose publicly
- Defended high level executive in trade secret and covenant not to compete action involving forensic investigations of Apple mobile devices and iCloud accounts
- Represented health care company in covenant not to compete dispute with two physicians formerly employed by surgery center
- Represented wireless telephone retailer in covenant not to compete action against former sales representatives and managers
- Defended survival equipment provider in covenant not to compete action
- Represented scholastic memorabilia manufacturer in covenant not to compete action against former sales representative

Brand Protection & Social Media

- Advise sports equipment manufacturer on comparative advertising claims
- Represented national manufacturer in false advertising action against competitor
- Represented national manufacturer in trade dress infringement action against competitor
- Represented automobile manufacturer in action against former contractor who anonymously posted trade secret information on social media sites
- Defended online retailer in trademark infringement action
- Defended Internet search engine company in trademark infringement action involving keyword advertising
- Represented trademark owner in counterfeiting action that resulted in permanent injunction and money judgment
- Defended social media company in copyright infringement action
- Assisted in preparation of terms of use and privacy policy for fitness app
- Negotiated transfer of domain names and electronic customer data for client in contract dispute with former technology services provider

Banking & Financial Services

- Obtained summary judgment for trustee on claims arising from Trust Indenture Agreement
- Defended banks in cases brought under the Telephone Consumer Protection Act, Fair Credit Reporting Act and Real Estate Settlement Procedures Act
- Defended banks in cases arising under Articles 3 and 4 of the Uniform Commercial Code, including checks involving embezzled funds and forged endorsements

SERVICES (CONTINUED)

Antitrust & Consumer Protection

Business Competition Advice & Litigation

- Competitive interference claims
- Non-competition and trade secret counseling and litigation

Privacy & Data Security

- Litigation
- Social media

Technology

- Enforcement, disputes and litigation
- Social media

Financial Institutions

- Secured lending, negotiable instruments and other Uniform Commercial Code matters
- Financial services litigation

Sports

Intellectual Property

- Advertising, false advertising, unfair competition and product claims

Health Care

- Litigation

PROFESSIONAL ASSOCIATIONS

- Federal Bar Association, Columbus Chapter, past President
- Columbus Bar Foundation, Fellow
- Columbus Intellectual Property Law Association
- International Legal Technology Association (ILTA)
- Ohio State Bar Foundation, Fellow, Class of 2012



- Obtained injunction for national bank in trade secret action against former employee
- Obtained injunctive relief for equity research firm in state court and FINRA proceedings against a group of former employees who formed a competing firm
- Defended national bank against breach of contract claims brought by former mutual fund wholesaler for fees allegedly owed
- Represented financial services technology provider in breach of contract action regarding telephone and Internet bill payment services
- Defended national bank and its employees in non-solicitation and trade secret action regarding asset management services
- Defended national bank in trade secret action regarding electronic payment processing services
- Obtained contempt ruling and permanent injunction on behalf of national bank against individuals attempting to use fraudulent companies to convert \$18 million in assets
- Defended global insurance company in action involving an alleged joint venture to sell title insurance

Other Technology, Intellectual Property & Business Disputes

- Tried and won AAA arbitration on behalf of international consumer electronic company in multi-million dollar contract dispute with supplier
- Obtained dismissal of putative class action against national telemarketing company in federal court
- Argued and won Sixth Circuit appeal involving claims arising from biomedical research study after obtaining summary judgment in the trial court
- Tried and won AAA arbitration on behalf of automotive component supplier in sales contract dispute with sub-supplier
- Represented automotive component supplier in multi-million dollar sales contract dispute before the International Centre for Dispute Resolution
- Defended health care company in breach of contract action and successfully argued against issuance of temporary restraining order that would have prohibited buy out of physician-owner
- Represented business broker in dispute with former business partner over intellectual property ownership rights
- Obtained summary judgment for manufacturer of figurines and collectibles in copyright ownership action
- Defended trucking software companies in multi-district patent infringement litigation
- Defended pharmaceutical company in declaratory judgment action involving multiple patents
- Represented national manufacturer in dispute with former contractor over patent rights



Bar Admissions

Ohio

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

Supreme Court of the United States

Presentations

- “The Fundamentals of Blockchain – Smart Contracts, ICOs & What You Need to Know,” Central Ohio Association of Corporate Counsel, Jan. 15, 2019
- “Federal Civil Practice in the Southern District of Ohio,” Federal Practice Seminar, Federal Bar Association, May 25, 2017
- “Electronic Discovery & Evidence,” Ohio Association of Magistrates Spring Conference, May 11, 2017
- “Hot Issues in Internet Law, Including Online Reviews & Social Media,” Annual Ethics & Trends in Litigation Seminar, Porter Wright, Dec. 8, 2016
- “Hot Legal Topics with Online Consumer Reviews,” Central Ohio Association of Corporate Counsel, Jan. 21, 2016
- “E-Discovery and Cybersecurity: The 2015 Amendments to the Federal Rules of Civil Procedure and Ohio Rules of Professional Conduct,” Practicing Before the Southern District of Ohio Seminar, Ohio Center for Law-Related Education, Nov. 30, 2015
- “Updated FTC Enforcement Guides: A Roadmap for Staying out of Trouble,” Porter Wright Retailer Roundtable, Oct. 28, 2015
- “New Legal Developments Related to Promotions/Advertising and FTC Enforcement,” Porter Wright Technology Seminar Series, July 15, 2015
- “Protection of Intellectual Property Rights in Free Trade Agreements,” Columbus Chamber of the Federal Bar Association, April 3, 2015
- “Ohio Data Breach Law,” The Mid-Ohio Regional Planning Commission, Cyber Forum, March 3, 2015
- “Recent Developments and Trends in E-Discovery,” Central Ohio Association of Corporate Counsel, Jan. 27, 2015
- “IT Issues for Labor/Employment Lawyers,” Ohio Management Lawyers Association, Nov. 14, 2014
- “E-Discovery Case Law Update,” International Legal Technology Association Statewide Meeting, Nov. 7, 2014
- “What the Dot? Protecting Your IP Rights in a Digital Society,” Porter Wright Technology Seminar Series, July 16, 2014
- “Social Media in Litigation: A Shield and a Sword,” Porter Wright Technology Seminar Series, June 18, 2014
- “Ohio Intellectual Property Litigation,” Ohio State Bar Association Seminar on Advising Corporate Directors and Officers, May 16, 2014



- “Recent Developments & Trends in E-Discovery,” Central Ohio Association of Corporate Counsel, Jan. 30, 2014
- “Protecting Against the Legal Risks of Social Media,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 4, 2013
- “Preserving the Attorney-Client Privilege,” Proctor & Gamble, Sept. 26, 2013
- “Navigating the Cloud,” Columbus Bar Association Seminar on Data Privacy, Security and the Cloud, Sept. 20, 2013
- “Social Media and the Law,” Social Media Summer Camp, *Columbus Business First*, Aug. 13, 2013
- “Cloud Computing and Outsourcing in the U.S. and Across Borders,” Porter Wright Seminar Technology Seminar Series, July 17, 2013
- “Current Best Practices in E-Discovery,” Central Ohio Association of Corporate Counsel Panel Discussion, Jan. 31, 2013
- “E-Discovery: Legal Tech and Case Law Updates,” Central Ohio Association of Corporate Counsel,” Feb. 28, 2012
- “Top E-Discovery Trends for 2011,” Cintas Lunch & Learn Seminar, January 2011
- “Arbitration v. Litigation,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 1, 2010
- “Containing Litigation Costs in E-Discovery,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 2, 2009

Publications

- “Arbitrator did not exceed his powers by awarding perpetual license in all intellectual property rights for video game,” *The Licensing Journal*, Vol. 33, No. 8, September 2013
- “Don’t forget about social media when preserving information for discovery,” Central Ohio Chapter of Association of Corporate Counsel Newsletter, 2nd Quarter 2013
- “Don’t forget about social media when preserving information for discovery,” *E-Commerce Law Reports Journal*, April 2013

Honors | Awards

- *Best Lawyers*[®], Commercial Litigation
- Martindale-Hubbell[®], AV Preeminent[™] Rated

Community

- Pelotonia, Porter Wright Team Captain, 2014-2019
- Ohioana Library Association, Board Member
- Salesian Boys and Girls Club of Columbus, former Board Member
St. Francis of Assisi Parish, former Parish Council Member
- Leadership Columbus, Class of 2005
- United Way of Central Ohio, Porter Wright Campaign, Co-Chair, 2003
- Columbus Bar Association, Barrister Leader Program, 2001-2002