



James D. Curphey

partner

Jim has over 35 years of experience in business litigation handling matters involving corporate dissolution, intellectual property, contracts, mergers and acquisitions, e-discovery, breach of fiduciary duty, shareholder disputes and corporate governance. In addition, he is an active arbitrator with the American Arbitration Association, serving on its Commercial Arbitration panel.

Jim's intellectual property work includes disputes related to patents, trademarks, trade dress, copyrights, trade secrets, restrictive covenants and unfair competition in state and federal courts, on the domestic and international stage.

He regularly handles post-acquisition disputes arising from stock or asset transactions in controversies over earn-out provisions, material adverse condition clauses and purchase price adjustments.

Jim is a Fellow in the American College of Trial Lawyers. He is past president of the Columbus Chapter of the Federal Bar Association and a Life Member of the Sixth Circuit Judicial Conference. He has been named a "Lawyer of the Year" five times by *The Best Lawyers in America*®, in Litigation - Mergers & Acquisitions Law, Columbus, Ohio, 2013; in Litigation - Intellectual Property, Columbus, Ohio, 2015 and 2018; and in Litigation - Patent, Columbus, Ohio, 2019 and 2021. Since 2008, Jim has been listed in *The Best Lawyers in America*® for Commercial Litigation, Litigation - Intellectual Property, Litigation - Mergers and Acquisitions, and Litigation - Patent. Additionally, Jim has been recognized by Ohio Super Lawyers for Business Litigation since 2006.

Jim is a frequent lecturer and presenter on topics of current interest in the field of trial practice, including trial evidence and expert witness procedures and tactics.

REPRESENTATIVE MATTERS

Business

- Tried and won multi-million dollar jury verdict in federal court in the enforcement of contractual rights under an asset purchase agreement involving oil and gas interests

CONTACT

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Pronouns: he / him / his

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EDUCATION

Case Western Reserve University
School of Law, J.D., 1983

The Ohio State University, B.S.,
1980

SERVICES

Litigation

- Commercial litigation
- Intellectual property litigation
- E-Discovery
- Class actions, mass torts and MDLs
- Arbitration and mediation
- Non-competition and trade secrets litigation
- Financial services litigation
- Hospitality

- Tried and won defense jury verdict in federal court in commercial contract dispute involving termination of national distributor of orthopedic medical devices
- Won multi-million dollar arbitration award in post-acquisition dispute against Fortune 500 pharmacy services company
- Represented closely-held corporation in contested dissolution proceedings in successfully overcoming shareholder deadlock
- Represented heat-exchange component manufacturer in a Federal Trade Commission investigation and additional related federal court litigation regarding divestiture of assets
- Obtained favorable arbitration award in factually complex reverse logistics services contract dispute

Intellectual Property

- Tried and won complete defense award in an arbitration before the International Chamber of Commerce involving trade secret misappropriation and breach of licensing agreement claims stemming from the design and development of biotechnology for allergy testing
- Successfully defended software company in a trade secret case involving source code forensics and allegation of spoliation of electronic evidence
- Successfully defended automotive supplier in patent infringement case involving technology in motion and weight sensor systems in car seats
- Successfully enforced trademark rights on behalf of national brand against direct competitor
- Obtained permanent injunctions in federal court against former employees for theft of trade secrets in California
- Successfully defended a patent infringement action against a sporting goods manufacturer involving competition basketball design and construction
- Represented leading domestic manufacturer of flat glass panels for television picture tubes in patent infringement case involving claimed inventions for the balancing of high-level compressive stress across the geometry of the panel
- Enforced patent rights arising from glass particle-size analyzer in state bid contract dispute
- Successfully defended claim of patent infringement in industry-wide litigation involving springs imbedded in mid-soles of active wear shoes and boots
- Successfully defended copyright infringement claims in multi-forum litigation arising from custom software for computer database management and distribution for state-wide law enforcement network
- Successfully defended claims of trademark and trade dress infringement in connection with national expansion of upscale restaurant group

SERVICES (CONTINUED)

Business Competition, Advice & Litigation

- Non-competition and trade secret counseling and litigation
- Antitrust advice and litigation
- Competitive interference claims
- Non-compete, non-solicitation, non-recruitment and non-disclosure agreements

Intellectual Property

- Advertising, false advertising, unfair competition and product claims
- Enforcement, disputes and litigation

Privacy & Data Security

- Litigation

Technology

- Enforcement, disputes and litigation

Financial Institutions

- Financial services litigation

Business Growth & Operation

- Hospitality

Entrepreneurship & Startups

- Hospitality

Labor & Employment

- Hospitality

Real Estate

- Hospitality

BAR ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Southern District of Indiana

PRESENTATIONS

- "Expert Testimony," Trial Evidence for the Ohio Practitioner, Ohio State Bar Association, 2016-2020
- "The Arbitration Alternative for Business Disputes," Central Ohio Association for Corporate Counsel, Jan. 15, 2019
- "The Arbitration Alternative, Commercial Disputes: Move from the Courthouse to the Conference Room," Ohio State Bar Association, Sept. 13, 2018
- "The Arbitration Alternative: An Overview," Ohio State Bar Association, February 2017
- "The Arbitration Alternative: Commercial Disputes – Move from the Courthouse to the Conference Room," Ohio State Bar Association, Dec. 22, 2016
- "Annual Ethics & Trends in Litigation," Porter Wright Seminar, 2009-2016

PROFESSIONAL ASSOCIATIONS

- American College of Trial Lawyers, Fellow
- Litigation Counsel of America, Fellow
- American Arbitration Association, Arbitrator
- Ohio State Bar Association, Federal Courts Committee
- Ohio State Bar Foundation, Fellow
- Federal Bar Association, Columbus Chapter, President, 2007-2008
- Columbus Bar Association
- American Bar Association, Litigation Section, Law Management Section

HONORS | AWARDS

- *The Best Lawyers in America*®
- *The Best Lawyers in America*® "Lawyer of the Year," Litigation – Patent, Columbus, Ohio, 2019, 2021
- *The Best Lawyers in America*® "Lawyer of the Year," Litigation – Intellectual Property, Columbus, Ohio, 2015, 2018
- *The Best Lawyers in America*® "Lawyer of the Year," Litigation – Mergers & Acquisitions, Columbus, Ohio, 2013
- Ohio Super Lawyers
- Ohio Super Lawyers, "Top 50 Columbus Super Lawyers," 2020, 2023
- Ohio Super Lawyers, "Top 25 Columbus Super Lawyers," 2017

COMMUNITY

- Columbus Chamber of Commerce, Board of Directors, 2016-2021
- Community Shelter Board, Trustee, 2000-2011, Board Chair, 2007-2009, Advisory Council, 2011-2015
- Broad Street Food Pantry, Board Chair, 1992-2006
- The Ohio State University, Ohio Union Development, Co-Chair of the Barbie Tootle Room, 2006-2008
- United Way of Central Ohio, Alexis de Tocqueville Society
- Broad Street Presbyterian Church, Elder