



Natalie Arbaugh

Partner

Dallas

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Natalie is a trial lawyer with a passion for top-notch client service, creative problem solving, and courtroom excellence. Her extensive experience has led her to be recognized multiple times as one of *Benchmark Litigation's* "Top 250 Women in Litigation," listed in *The Best Lawyers in America* for Business and Intellectual Property Litigation, selected to the Texas *Super Lawyers* list, and named "Winning Woman" by *Texas Lawyer*.

Natalie represents plaintiffs and defendants in a variety of industries in state and federal courts throughout the country in complex—and often high-profile—business and intellectual property disputes. From handling breach of contract matters to trade-secrets litigation to class actions, she is skilled at distilling even the most complex of business disputes into a simple story that resonates with judges and juries alike. Her intellectual property practice focuses on trade secret and departing employee issues, including noncompete counseling and litigation, and trademark litigation.

Natalie's trial experience includes an eight-year case in which she co-counseled with the Texas Attorney General's office to try one of the largest and most complex fraud cases in Texas history. Resulting in the largest Medicaid fraud settlement in Texas, this record-breaking case led to her prior law firm being named a "Litigation Department of the Year" finalist and contributed to Natalie being named a "Winning Woman" by *Texas Lawyer*. Natalie also was a key member of the trial team for the widely publicized insider trading case brought by the SEC against billionaire

entrepreneur and long-time client of her prior firm, Mark Cuban. The jury cleared Mr. Cuban of any wrongdoing following a three-week trial in Dallas federal court.

In an IP case covered by Law360, Natalie obtained sanctions against her opponent after methodically building a case to show that the defendants falsified and modified evidence, committed perjury, and committed fraud in an effort to defend against her client's claims of trademark infringement and convince the court that the defendants had trademark rights superior to those of her client. She resoundingly convinced the court otherwise, and after a bench trial, obtained a US\$42M judgment behalf of her client. In awarding her client its attorneys' fees, the trial court judge stated, "Counsel's skill and expertise has been evident throughout this litigation, and their performance under taxing circumstances has been impressive."

The most rewarding part of Natalie's career by far is the relationship she develops with her clients. Her clients view her as a trusted legal advisor—a collaborative and innovative partner who helps guide them to a "win" in solving their problems, whether that "win" is a victory at trial, early resolution of a legal dispute or a creative solution to a business problem in another form. Natalie recognizes that her clients need and deserve well-reasoned, strategic advice to guide them toward the best solutions for their business problems, and her clients are her around-the-clock priority. She helps guide them through complex decisions and risk assessments to solve tough problems well before any trial.

Her extensive experience has led her to be recognized multiple times as one of *Benchmark Litigation's* "Top 250 Women in Litigation", listed in *The Best Lawyers in America*® for Intellectual Property Litigation, selected to the Texas *Super Lawyers* list, and named "Winning Woman" by *Texas Lawyer*.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

Trade Secret, Departing Employee and Trademark Litigation

- **Trademark/Copyright/Counterfeiting**—Serves as lead counsel in trademark and copyright infringement matters for international luxury fashion brand owners, including as part of their national anti-counterfeiting campaigns. Regularly manages litigations throughout the State of Texas and the nation, and consistently resolves cases on favorable terms—through settlement, motion for summary judgment, or otherwise. She has led more than 100 matters through resolution.
- **Trade Secrets**—Regularly counsels clients in broad range of noncompete, nonsolicitation, and departing employee issues.
- **Trade Secret/Breach of Contract**—On behalf of software solutions company, obtained an injunction prohibiting competitor from using or disclosing client's trade-secret solutions in implementing solutions, tools, and technologies for competitor's customers.
- **Trade Secret Misappropriation/Breach of Contract**—On behalf of a global petrochemical company, obtained temporary injunction against world's third-largest chemical company in state court, alleging trade secret theft and breach of contract arising from defendant's licensing of polyethylene technology to various manufacturers in other countries. Case settled on very favorable terms.
- **Trade Secret Misappropriation/Breach of Contract/Inevitable Disclosure**—On behalf of leading bank consulting and software services company, brought suit against former senior principals and competitor alleging theft of trade secrets and breach of fiduciary duty after employee resigned under suspicious circumstances. Obtained temporary restraining order against former employee on theory of inevitable disclosure. Subsequently developed proof, through computer forensic evidence, of employee's transfer and use of thousands of client's files, resulting in temporary injunction which, among other things, prohibited former employee from using and disclosing the

client's trade secrets and other confidential information, from soliciting client's customers and employees, and from working in competition with client in revenue enhancement. Settled the lawsuit on favorable terms.

- Trade Dress Infringement—Represented cooler and drink ware manufacturer in series of litigations brought against it by competitor company.
- Trademark Infringement—Successfully defended yellow pages and marketing company against suit by national competitor alleging trademark infringement and unfair competition. Settled lawsuit on very favorable terms for nuisance value after presenting legal flaws to plaintiff.

Qui Tam Litigation

- Texas Medicaid Fraud/Conspiracy to Breach Fiduciary Duty—Represented whistleblower in co-prosecuting Medicaid fraud case with the State of Texas against one of the world's largest consumer health and pharmaceutical companies. Case settled for US\$158M, the largest Medicaid recovery in the history of the State of Texas.
- False Claims Act—Defended publicly traded human services provider in federal court FCA case in which State of Texas sought US\$4B in damages. Lawsuit settled for a fraction of the claimed damages.

Class Action and Collective Action Litigation

- Representing edible bouquet client in defense of purported class action alleging violations of the Telephone Consumer Protection Act.
- Represented hotel chain in defense of allegations of violations of Telephone Consumer Protection Act and threat of class actions by several plaintiffs
- Represented leading watch manufacturer in defense of class-action claims of false advertising, deceptive practices and related claims arising out of "Made in America" claims
- Defended leading provider of business services for manufacturers and retailers in consumer goods industry in purported collective action claims of alleged unpaid overtime under the Fair Labor Standards Act. Obtained complete denial of collective action on company's behalf. Case settled on very favorable terms.

Other Commercial Litigation

- Regularly advises clients in all aspects of contract disputes, from negotiation of contracts to pre-suit disputes to litigation.
- Breach of Commissions Contract—Obtained favorable jury verdict as second-chair trial counsel on behalf of leading provider of business services for manufacturers and retailers in the consumer goods industry. Former employee alleged breach of commissions agreement against client, which jury denied. Case settled on very favorable terms after trial.
- Breach of Disaster Recovery Contract—On behalf of disaster recovery and business continuity company, brought suit in a federal-court action alleging breach of disaster recovery agreement. Case settled on favorable terms.
- Fraud/Breach of Contract/Breach of Fiduciary Duty—Successfully defended Fortune 100 semiconductor and digital signal processing company in lawsuit by former employee and purchaser of client's business in which purchaser claimed that client misrepresented facts and breached acquisition agreement in connection with sale of business. Settled the lawsuit for a fraction of the claimed damages.
- Breach of Computer Automation Contract—Defended leading global semiconductor company in state-court suit against allegations of breach of computer automation services contract. Settled the lawsuit on very favorable terms.

Employment and Collective Action Litigation

- Reverse Race Discrimination—Successfully defended college against claims alleging reverse race discrimination under Title VII and breach of contract arising from termination of professor. Obtained total summary judgment on

behalf of client.

- Harassment/Race Discrimination—Successfully defended global communications company against claims in federal court alleging harassment in the workplace, race discrimination, defamation, and breach of contract arising from termination of employee. Obtained total summary judgment on behalf of client.
- Age Discrimination—Successfully defended leading provider of business services for manufacturers and retailers in the consumer goods industry against claims alleging age discrimination. Obtained nuisance-value settlement.
- Gender Discrimination—Successfully defended county against claims alleging gender discrimination. Obtained summary judgment on behalf of client.
- Pregnancy Discrimination—Successfully defended marketing company against claim of pregnancy discrimination arising from termination of employee. Obtained summary judgment on behalf of client.
- FLSA—Defended global insurance company against claim alleging violation of and retaliation under Fair Labor Standards Act in connection with wages paid to employee, resulting in a favorable settlement.
- FLSA Collective Action—Defended leading provider of business services for manufacturers and retailers in consumer goods industry in purported collective action claims of alleged unpaid overtime. Obtained complete denial of collective action on company’s behalf. Case settled.

Reported Decisions

- *Tory Burch LLC and River Light V, LP. v. Lin & J International, Inc.* Slip Copy, 2015 WL 3916271 (S.D.N.Y. June 25, 2015) (obtained trebled damages and judgment of over US\$42M for defendants’ willful infringement)
- *Tory Burch LLC and River Light V, LP v. Lin & J International, Inc., et al.*, No. 13cv3669, 2014 WL 6850966, (S.D.N.Y. Dec. 4, 2014) (obtained summary judgment in favor of Tory Burch on trademark infringement and counterfeiting claims)
- *Coach Inc. v. Sassy Couture*, No. SA-10-CV-601-XR, 2012 WL 162366 (W.D. Tex. Jan 19, 2012) (obtained summary judgment on behalf of Coach Inc. on claims for trademark counterfeiting)
- *INEOS Group Ltd. v. Chevron Phillips Chemical Company LP*; 312 S.W.3d 843 (Tex. App.-Houston [1st Dist.] 2009) (affirmed temporary injunction obtained on behalf of Chevron Phillips Chemical Company in case alleging breach of contract and theft of trade secrets)
- *Kathi Bowman v. CROSSMARK, Inc.*, No. 3:09-CV-16, 2010 WL 2837519 (E.D. Tenn. July 19, 2010) (obtained denial of conditional certification of class under the Fair Labor Standards Act on behalf of CROSSMARK, Inc.)

Recent Experience

RTIC Holdings’...

Winston Obtains...

Recognitions

- Recognized by *Chambers USA* in Litigation: General Commercial—Texas: Dallas, Fort Worth & Surrounds, 2023
 - Recognized in *Texas Monthly's* “Top Women Attorneys in Texas,” January 2020
 - Recognized in *Benchmark Litigation US* as a “Texas Litigation Star” in General Commercial Litigation and Intellectual Property, 2020 and 2023–2024
 - Named as one of the 2024 *Lawdragon* “500 Leading Litigators in America” for Complex Commercial Litigation, IP, and Class Actions
 - Recognized by Lexology and International Law Office’s “2018 Client Choice Awards” in the area of Intellectual Property: Designs & Trade Secrets
 - Listed in *Benchmark Litigation's* “Top 250 Women in Litigation,” 2017–2023
 - Recognized in *The Best Lawyers in America*® for Intellectual Property Litigation and Commercial Litigation, 2018–2024
 - Named a Top Rated Business Litigation Attorney in Dallas, Texas by *Super Lawyers*, 2017–2021
 - Named Best Lawyer in Dallas for business litigation by *D Magazine* for 2014–2022
 - Recipient of 2017 Diversity Leader Award by *Profiles in Diversity Journal*
 - Named a Fellow of the Litigation Counsel of America in 2016
 - Selected for the *Profiles in Diversity Journal's* 2016 “Women Worth Watching” list
 - Named to *Texas Lawyer's* “Winning Women” list for 2014
 - Recognized for her work with *SEC v. Mark Cuban*, a trial which led her prior firm’s litigation department to be recognized as one of the “best” by *Texas Lawyer* in 2014
 - Recognized for her work with *State of Texas ex rel. Jones v. Janssen LP, et al.*, a trial which resulted in her prior firm’s litigation department to be named among Texas’ best by *Texas Lawyer* in 2013
 - Named a “Rising Star” by *Texas Monthly* for 2005, 2007, 2008, 2009, 2010, and 2011
 - Recipient, as Dallas Bar Association Committee member, of the 2010 State Bar of Texas Award for Best Series Article on substantive law: “Overtime Risks of Employees’ Work Using Wireless Devices”
 - Member of Law360: Consumer Protection Group of the Year
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Activities

- Member: Advisory Board, Women in Law Empowerment Forum (WILEF) (2015)
 - Member: Trade Secrets Committee of the AIPLA (2015–present)
 - Member: Board of Directors, Texas General Counsel Forum (DFW Chapter) (2011–Present)
 - Co-chair, Texas General Counsel Forum Women’s Committee (DFW Chapter) (2016)
 - Co-chair, Texas General Counsel Forum Program Committee (DFW Chapter) (2012)
 - Dallas Bar Association Publications Committee (2009–2012)
 - Dallas Association of Young Lawyers Lifetime Fellow
 - Previously nationwide chair of AmLaw 100 Firm’s EMPOWER Women’s Initiative. EMPOWER was formalized in 2009 to provide expanded professional and business development opportunities, mentoring, training, and support to our female legal staff. This initiative also includes a working mothers’ forum. EMPOWER stands for Enrichment, Mentorship, Partnering, Opportunities, Wisdom, Excellence, and Responsibility.
 - Previously served as elected member of AmLaw 100 Firm’s five-person compensation committee
 - American Bar Association; Dallas Association of Young Lawyers (chosen for DAYL Leadership Class 2003); The William “Mac” Taylor American Inn of Court (2003–2008)
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Credentials

EDUCATION

Natalie received her B.A. in Business Administration, with honors, from the University of Florida in 1995, and she received her JD, *magna cum laude*, from Southern Methodist University Dedman School of Law in 2001, where she was an editor for the *SMU Law Review Association*.

ADMISSIONS

- Texas

CLERKSHIPS

- Texas Supreme Court for the Honorable Justice Deborah Hankinson

Related Insights & News

Speaking Engagements

- “Understanding the Scope of Non-Compete and Non-Solicit in Employment Contracts,” TexasBarCLE’s 21st Annual Course – Advanced In-House Counsel, August 4, 2022
- “Tips for Transactional Attorneys,” Texas Minority Counsel 26th Annual Conference, Houston, TX, October 2018
- “The Secret Sauce: Tips and Updates for Departing Employees, Trade Secrets, and Temporary Restraining Orders,” Advanced In-House Counsel 17th Annual Course, Dallas, TX, August 10, 2018
- “Tips from the Trenches: Winning as a Woman in the Courtroom and Beyond,” 2018 National Association of Women Lawyers, May 3, 2018

- “Practical Guidance for Onboarding & Exiting Employees to Mitigate the Misuse of Confidential Information,” Advanced In-House Counsel 16th Annual Course, San Antonio, TX, August 18, 2017
- “Hot Issues in Social Media,” Advanced In-House Seminar CLE, August 2016 (co-presenter)
- “Beyond the Basics: Understanding and Maximizing Enforcement of Your Trade Secrets in the Global Age,” May 2016 Webinar (co-presenter)
- “How to Seek Injunctive Relief,” DBA Trial Skills Section CLE, November 2015 (co-presenter)
- Trademark Best Practices, 2016 (presenter to several clients)
- “Living in a #Hashtag World: Legal and Practical Implications for Your Business,” Advance In-House Counsel 14th Annual Course presented by Texas Bar CLE, August 2015
- “Living in a #Hashtag World: Legal and Practical Implications for Your Business,” L.E.A.D. Dallas, November 2014
- “Living in a #Hashtag World: Legal and Practical Implications for Your Business,” Women’s In-House Network and several clients)
- “Shh... I’ve Got a Secret (Or Do I)?: Trade Secret Protection: Best Practices and Worst Nightmares,” October 2014 Webinar (co-presenter)
- “Beyond the Ad: The Legal Challenges of Marketing in a #Hashtag World,” Women’s In-House Network (WIN), October 2014
- “SEC v. Mark Cuban: Inside the War Room of a High-Profile Case,” Texas Bar CLE, September 2014
- “Sticky Fingers: Responding to a Departing Employee’s Theft of Trade Secrets—Practical Advice for Employers,” March 2014 (co-presenter)
- “The Most Effective Strategies to Fight Counterfeiting,” February 2014 (co-presenter)
- “Completing Your IP Arsenal with Trade Secrets,” Life Sciences Summit, May 2013

Publications

- “Thwart Counterfeiters to Save Brands: Vigilance is the Best Defense Against Copycats Online and on the Ground,” *Metropolitan Corporate Counsel*, March 2016 (co-author)
- Social Media in the World of Litigation: Obtaining, Authenticating and Using, 2015 Texas Bar CLE Advanced Civil Trial Course (co-author)
- “Are You Prepared For A Whistleblower?” West® Employment Alert, July 2013 (quoted)
- “Whistleblowers Need to Prepare When Exposing Employer Wrongdoing,” ExpertBeacon, July 2013 (author)
- “What Makes Whistleblowers Tick,” *Corporate Compliance Insights*, June 2013 (author)
- “Beware of the Scratch of the Cat’s Paw,” Dallas Bar Association Headnotes, June 2011 (author)
- “Overtime Risks From Non-Exempt Employees’ Use of Wireless Devices to Work,” Dallas Bar Association Headnotes, November 2009 (author)
- “iPods Rock! Or Do They? Overtime Risks Arising Out of the Use of Wireless Gizmos,” October 2009 HR Southwest Human Resources Conference and Exposition (author and co-speaker)
- “Arbitration: Is It Still A Good Idea for Employers?” October 2008 HR Southwest Human Resources Conference and Exposition (author and co-speaker)
- “Recent Trends and Developments in Trade Secret and Non-Compete Law,” ABA Section of Labor & Employment Law, Employment Rights & Responsibilities, March 2006 (co-author)
- “Trade Secrets, A State-by-State Survey” (2d Ed.) 2005 Supp., American Bar Association of Labor & Employment Law (contributing editor)

- “Cybersmear: It’s What the Internet Is For – Right?” Employee Rights and Responsibilities Committee, 2005 Mid-winter Meeting (Key Biscayne, FL) (co-author)
- “Does the Federal Age Discrimination Statute Protect Younger Workers from Discrimination in Favor of Older Workers?” Dallas Human Resources Management Association, Inc., May 2004 (co-author)
- “Wage and Hour Law, and Independent Contractors,” *National Business Institute*, November 2003 (co-author)

News

- “Tory Burch Wins \$41.2 Million In Trademark Infringement Lawsuit,” *Fashion Times* (July 2015, January 2016)
- “Tory Burch Counterfeiters Ordered to Pay \$41M In TM Row,” Law360 (July 10, 2015)
- “Tory Burch ‘Counterfeiters’ Faked Docs in TM Suit,” Law360 (November 13, 2013)
- Texas Federal Jury Clears Mark Cuban in Insider-Trading Lawsuit (October 17, 2013)

RECOGNITIONS

Winston & Strawn Recognized...

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*

AUGUST 17, 2023

SPEAKING ENGAGEMENT

Winston Attorneys Speak at...

AUGUST 3-4, 2023

RECOGNITIONS

Winston Partners Named to *Benchmark...*

AUGUST 3, 2023

SEMINAR/CLE

Winston & Strawn’s Product...

JUNE 14, 2023

RECOGNITIONS

Winston & Strawn Recognized in

JUNE 6, 2023

RECOGNITIONS

Winston & Strawn Recognized ...
OCTOBER 14, 2022

RECOGNITIONS

Winston & Strawn Recognized in
AUGUST 29, 2022

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*
AUGUST 18, 2022

SPEAKING ENGAGEMENT

Winston Attorneys Speak at...
AUGUST 4-5, 2022

RECOGNITIONS

Winston & Strawn Partners Named to
AUGUST 4, 2022

Capabilities

Litigation/Trials

Commercial Litigation & Disputes

Trade Secrets, Non Competes & Restrictive Covenants

Government Program Fraud, False Claims Act & Qui Tam Litigation

Trademark Litigation, Prosecution & Brand Protection

Copyright-Infringement Litigation

Class Actions & Group Litigation

Product Liability & Mass Torts

Appellate & Critical Motions

Technology Antitrust

Financial Services

Professional Services

Technology, Media & Telecommunications

Medical Devices