

Winston Dispenses Cure for Bet-the-Company Patent Suit with Huge Jury Verdict

SEPTEMBER 15, 2017

A Winston & Strawn trial team led by our Dallas office achieved a fantastic jury verdict in a billion dollar bet-the-company case for firm clients Alixa RX, Golden Gate Senior Care, and private equity firm Fillmore Capital Partners. Following a month-long trial, a jury in the Eastern District of Texas rendered its verdict in less than a day, finding against plaintiff Tech Pharmacy on its claims for trade secret misappropriation, fraud, and patent infringement of four patents. In addition to the patent and tort liability claims, the plaintiff sought a willfulness finding, punitive damages, and a permanent injunction.

Alixo RX is an innovator in providing pharmacy services using remote dispensing and packaging of pharmaceuticals. The company was created in 2012 by Fillmore Capital Partners and Golden Gate Senior Care after unsuccessfully pursuing a partnership in 2008 with Texas-based Tech Pharmacy to create a company that would provide similar services. In the years following the creation of Alixa RX, it competed with Tech Pharmacy without hostility. That changed in late 2015 when Tech Pharmacy sued all three Winston clients, alleging infringement of 85 patent claims across 12 patents and the misappropriation of over 100 items alleged to be trade secrets. Tech Pharmacy also claimed a breach of a confidentiality agreement and that it had been fraudulently induced into the partnership discussions. It sought over \$365 million in actual damages, punitive damages of two times the actual damages, a finding of willful infringement, a full award of fees, and an injunction to shut Alixa's doors.

From the opening statements through witness examinations and down to the final word in closing, the Winston team was, to quote one of our experts, "the best I've ever seen, and I've seen a lot."

The Winston team comprised Dallas Managing Partner Tom Melsheimer, Dallas Partners Brett Johnson and Michael Bittner, Charlotte Partner Danielle Williams, Chicago Partner Sam Lerner, and Dallas Counsel Renee Skinner. Dallas Associates Rex Mann and Grant Schmidt assisted, along with Chicago Associate Jennifer James.

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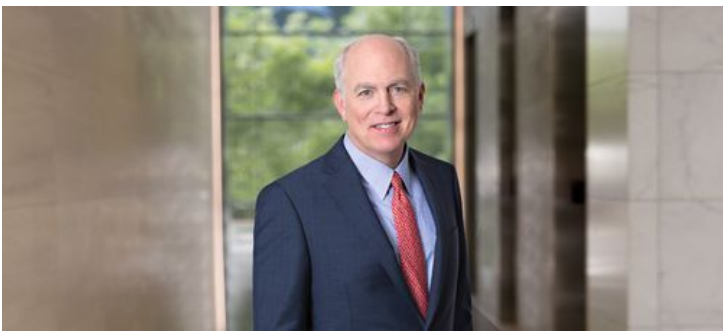
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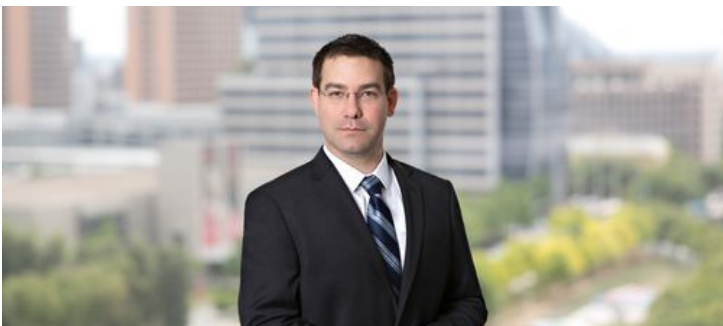
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