

Paul D. Popeo

Co-Chair, Litigation



T (617) 248-4074 | M (617) 818-0966
ppopeo@choate.com

Practice Areas

Complex Intellectual Property Disputes
Trade Secrets

Education

Boston College Law School
JD (1994) *cum laude*

Bowdoin College
AB (1990)

Admissions

Massachusetts
U.S. District Court, District of
Massachusetts
U.S. Court of Appeals, First Circuit

Paul Popeo, co-chair of Choate's Litigation Department and co-leader of the Trade Secrets Group, helps the world's premier technology and life sciences companies and their CEOs to successfully manage a wide range of high stakes litigation matters in federal and state courts. In his more than 20 years of experience, he has counseled some of the country's leading companies and their Boards of Directors on a wide range of litigation and pre-litigation strategies concerning technology and intellectual property disputes, as well as fiduciary and governance issues. Paul has deep experience litigating disputes involving the misappropriation of trade secrets for market leaders in the bio pharmacological, medical device, and computer hardware and software fields.

In addition, Paul represents public and private companies, hedge funds, and financial services firms in disputes arising from mergers and acquisitions, financial restructuring, bond issuance, and various debt structures. He is a seasoned trial lawyer who has successfully tried numerous cases in state and federal district courts across the country.

Paul has served as a Special Assistant Attorney General for the Commonwealth of Massachusetts and as a Special Assistant District Attorney for Suffolk County.

Representative Engagements

Intellectual Property Litigation

- Lead trial counsel to Dell Technologies/EMC in major litigation alleging a competitor-directed nationwide conspiracy to misappropriate proprietary information and to solicit customers and employees in violation of restrictive covenants; defended against counterclaims alleging violation of Lanham Act, false advertising, unfair competition, and breach of license agreements.
- *Applera Corp, d/b/a Celera Genomics Group v. Wyeth, Montgomery County Maryland Circuit Court*: Counsel to Wyeth (now Pfizer) in dispute relating to Celera's genomics database products.
- *ScanSoft, Inc. v. Voice Signal Technologies, Inc.*: Counsel to Voice Signal in patent and trademark litigation concerning speech recognition and mobile telecommunications technology.
- *Nichimen Corporation v. New Japan Radio, Inc.*: Counsel to New Japan Radio in litigation brought under Semiconductor Chip Protection Act concerning the design of certain integrated circuits.
- *BaxterHealthcare, Inc. v. Genetics Institute, Inc.*: Counsel to Genetics Institute (now Wyeth) at trial before the Delaware Chancery Court in a dispute relating to manufacture of recombinant Factor VIII for the treatment of hemophilia A.

- Counsel to Blue Dolphin Inc. in series of litigation matters alleging trademark and copyright infringement, as well as various state law unfair competition and false

Trade Secret Litigation

- Counsel to EMC in several cases relating to former key employees who left company to found commercial rival using stolen trade secrets. EMC has already obtained preliminary injunction in two of the cases. In addition, three arbitration matters are pending versus former employees for violations pertaining to key employee contract violations.
- *NeuroLogica v. Analogic*: Counsel to mobile CT manufacturer and its founders in declaratory judgment action seeking to quash threats made by former employer regarding misappropriation of trade secrets and failure to abide by fiduciary duties. Technology related to computed tomography with specific emphasis on detector arrays, scintillator crystals and data acquisition systems.
- *Estee Lauder Cosmetics, Inc. and Make-Up Art Cosmetics v. MicroDental Labs and Micro Advanced Cosmetics*: Counsel to MicroDental in action brought by Estee Lauder alleging various Lanham Act violations, and state law unfair competition and false designation of origin claims.
- *New England BioLabs v. Enzymatics*: Represent New England BioLabs, leader in production of and supply of reagents for life sciences industry, regarding theft of trade secrets by former employees and founders with respect to new company.
- *Tekmira v. Alnylam & AICana*: Counsel to AICana in trade secret litigation brought against AICana and its research collaboration partner Alnylam Pharmaceuticals by Tekmira Pharmaceuticals Corp. Technology at issue involves novel lipid nanoparticles used as drug delivery vehicle for Alnylam's short interfering RNA therapeutics.
- *Mobius Management Systems, Inc. v. EMC Corporation and Acartus, Inc.*: Counsel to EMC/Acartus in action brought in the U.S. District Court for the District of Delaware alleging the theft of trade secrets, violation of the Lanham Act and various state law false advertising claims.
- *Learnout & Hauspie v. Voice Signal Technologies, Inc.*: Counsel to Voice Signal in theft of trade secrets and breach of non-competition dispute involving voice recognition technology.
- *Cambridge Technology Partners v. Gen3 Partners*: Counsel to Gen3 Partners in theft of trade secrets and breach of non-competition dispute.
- *NeuroLogica V. Mobius Imaging LLC, Mass Superior Court*: Represented mobile CT manufacturer in lawsuit against former Principal Mechanical Engineer and new employer in connection with misappropriation of confidential information and violation of non-compete obligations by working simultaneously for both companies.
- *Christian Book Distributors, Inc. et al v. Digital Helix Interactive, Inc.*: Counsel to Christian Book Distributors, world's largest distributor of Christian resources, in theft of trade secrets dispute.

Complex Commercial/Financial Litigation

- *Vision Systems, Inc. v. EMC Corporation*: Counsel to EMC in contract dispute concerning manufacture of laser-scanning, aspirating smoke detectors.

- *Encad, Inc. v. Hewlett-Packard Company*: Counsel to HP in California state court action alleging below-cost pricing and unfair competition.
- *Department of the State Treasurer and Receiver General for the Commonwealth of Massachusetts v. Morgan Stanley Derivative Products, Inc.*: Counsel to the Commonwealth as Special Assistant Attorney General in dispute with Morgan Stanley concerning synthetic fixed-rate swap transaction between parties relating to \$496.225 million of general obligation refunding bonds issued by the Commonwealth.
- *NXO, Inc. v. BlackBox Network Services and Platinum Equity, LLC*: Counsel to NXO in litigation involving series of telecommunications service contracts, and representations and warranties contained in various agreements between parties and private equity funds.
- *John Hancock Life Insurance Company v. Vesterra Corporation, et al*: Counsel to Hancock in successful enforcement of a \$32 million forward commitment after a twelve person jury trial in the United States District Court, District of Massachusetts.

Publications and Presentations

- “Protecting Your Trade Secrets Both Inside & In The Wild,” *moderator*, Consero Group’s IP Executive Roundtable for Life Sciences, March 2019
- “When to Trade Secret & Manage the Process,” *moderator*, The IP Strategy Summit Boston
- “The Slants’ Trademark Battle Plays On,” co-author, *Appellate Law360*
- “Protective Orders Should Take Center Stage in IP Cases,” co-author, *IP Law360*
- “Rainmaker Q&A: Choate Hall’s Paul Popeo,” interviewed, *IP Law360*
- “Trends in Trade Secret Litigation,” interviewed, *The Metropolitan Corporate Counsel*

Professional and Community Involvement

- Member, American Intellectual Property Law Association
- Member, Boston Bar Association
- Member, Massachusetts Bar Association
- Member, Board of Directors of the Inner City Scholarship Fund (Catholic Charities)
- Past Member of the Firm’s Executive and Hiring Committees

Recognition

- *Best Lawyers in America* (2021-2024)
- A World’s Leading Patent Practitioner by *IAM Patent 1000* (2019-2024)

- *The Legal 500: Trade Secrets (2014-2022)*
- “Litigation Star” by *Benchmark Litigation*
- *Acritas Stars*
- *Lawdragon: 500 Leading Litigators in America (2024)*
- *Massachusetts Super Lawyers*