



Thad M. Barnes

Title: Member

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Thad Barnes is an experienced trial attorney with approximately 40 bench and jury trials to his credit. Mr. Barnes' practice is focused on intellectual property litigation, complex commercial litigation, and health care litigation. Mr. Barnes has extensive experience in patent litigation, trade secret cases, product liability matters and works extensively with flavor and fragrance manufacturers. He is listed in *Benchmark Litigation* as a Litigation Star in the Intellectual Property practice area. Mr. Barnes also handles complex electronic discovery issues and advises clients on privacy, information security issues, and social media issues and works with clients to implement defensible approaches to the presentation, collection and production of electronically stored information (ESI) for litigation, government requests and investigations.

CAPABILITIES

Practice Areas

- Antitrust, Consumer Protection & Attorney General Defense
- Arbitration, Mediation & Alternative Dispute Resolution
- Business Litigation
- Class Action, Mass Action & Multi-District Litigation
- Environmental Litigation
- Franchise & Distribution
- Intellectual Property & Technology
- Intellectual Property Litigation
- Litigation & Appeals
- Pretrial Practice & eDiscovery
- Product Liability Litigation

RECENT ASSIGNMENTS

- Successfully represented flavor manufacturer in New Jersey federal court in a products liability litigation against a supplier of adulterated products
- Represented a UK protective case manufacturer against patent infringement claims filed by OtterBox at the United States International Trade Commission, *In the Matter of Certain Protective Cases for Electronic Devices and Components Thereof*, Investigation No. 337-TA-955 filed by OtterBox. Obtained complete dismissal of the investigation. See "Victory for Tech21 as OtterBox ends patent dispute with protective case rival," **MOBILE NEWS** (September 15, 2015).

- After a five week jury trial in New Jersey federal court, obtained a unanimous defense verdict in favor of fragrance company Mane USA, Inc. dismissing claims that the company conspired with a perfumer to misappropriate over 600 trade secret fragrance formulas from a competitor—Swiss fragrance giant Givaudan Fragrances Corp. Givaudan had claimed \$80 million in damages. Before trial, Mane obtained partial summary judgment from the Court dismissing the majority of the claims in a decision that received national attention as an important case regarding potential trade secret liability for subsequent employers. See *Givaudan Fragrances Corp. v. Krivda*, 2013 U.S. Dist. LEXIS 153437 (D.N.J. Civil Action No. 3:08-cv-04409, Oct. 25, 2013), reported in *Failure to Provide Specific Information On Alleged Misappropriations Fatal to Claims*, Bloomberg, BNA Patent, Trademark & Copyright Journal (October 29, 2013).
- Lead counsel in obtaining \$40 million settlement for global flavor manufacturer V. Mane Fils (www.mane.com) against a competitor for claims of patent infringement, false advertising, and tortious interference. See: NEW YORK TIMES, *IFF and Mane Announce Settlement of Mane's Lawsuit Concerning Monomenthyl Succinate* (December 29, 2011) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 249 F.R.D. 152 (D.N.J. 2008), reported in NEW JERSEY LAW JOURNAL, *Use of Attorneys' Letters To Woo Business Held To Waive Privilege* (March 5, 2008) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2011 U.S. Dist. LEXIS 38637 (D.N.J. Apr. 8, 2011) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 49578 (D.N.J. June 23, 2008) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 63619 (D.N.J. Aug. 19, 2008) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 82540 (D.N.J. Oct. 15, 2008) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2009 U.S. Dist. LEXIS 56462 (D.N.J. July 1, 2009) *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2010 U.S. Dist. LEXIS 45645 (D.N.J. May 6, 2010)
- Lead counsel in successful international arbitration trial involving pro audio music speaker manufacturer and foreign distributor for 40 countries
- Successfully defended a second request hospital merger challenge by Federal Trade Commission
- Co-counsel in multi-million dollar environmental remediation and allocation dispute involving international corporations. *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F.Supp 2d 902 (W.D. Ky. 2007) and *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F.Supp. 2d 918 (W.D. Ky. 2007)
- Developed numerous document retention/ESI policies for large U.S. corporations
- Litigated a trademark infringement action involving two U.S. restaurant corporations

- Successfully defended a complex business case involving a dispute over the sale of power generating equipment. The case involved over 150 witnesses, 2 million paper documents and in excess of three terabytes of electronic data.
- Represented a technology company in a complex business case involving breach of contract claims
- Successfully defended several hospitals in medical malpractice cases
- Successfully defended a manufacturer in an anti-trust case. The case involved an assessment of several terabytes of electronic information by a team of Stites lawyers

BAR ADMISSIONS

- Kentucky
- Tennessee
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Tennessee
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Western District of Tennessee

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Commanding the Courtroom
University of Kentucky College of Law, Lexington, Ky., November 2, 2018
- 3rd Circ. Won't Revive \$80M Fragrance Secrets Row
by Dan Packel, *Law360.com*, February 12, 2016
- Stites & Harbison Obtains Defense Verdict in \$80 Million Trade Secret Misappropriation Case
Stites & Harbison, PLLC
- Understanding and Managing New Issues in E-Discovery
Southern Law Network, December 2011
- eDiscovery and Electronic Health Records
KHIMA Annual Meeting, June 2008
- Should I Keep EVERY Email and Document, Just in Case? TechLINKS, September 17, 2007
- Protection of Intellectual Property Rights in Litigation
AOPA National Convention, Miami, Fla., October 2004

FIRM LEADERSHIP

- Business Litigation Service Group, Louisville Office Leader
- Pretrial Practice & eDiscovery Group, Chair
- Management Committee, Member

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association
- Memphis Bar Association
- Defense Research Institute
- Leo Bearman Jr. American Inns of Court Society
- Federal Bar Association

COMMUNITY INVOLVEMENT

- St. Agnes Church, Member
- Pi Kappa Alpha, Board of Directors

EDUCATION

University of Louisville Louis D. Brandeis School of Law J.D. 1993

University of Kentucky B.A. 1990

MORE THAN STITES & HARBISON

Previously, Mr. Barnes was Vice President and General Counsel of Triangle Seafood Inc. where he handled the company's litigation, federal compliance work, and general corporate affairs. Thad and his wife, Laura, stay busy attending the sporting events for their five children.

ACCOLADES

- *The Best Lawyers in America*[®], Commercial Litigation (2012-21)
- *Kentucky Super Lawyers*[®] (2013-19)
- *Benchmark Litigation* magazine, Litigation Star (2015-19)