

## Yuri Mikulka

### Partner

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Yuri Mikulka is a partner in Alston & Bird's Intellectual Property Litigation Group. With nearly 25 years of litigation experience, Yuri has defended court actions, arbitrations, and pre-suit disputes nationwide, eliminating claims of over \$3 billion in damages, and with her team, obtained verdicts and settlements of nearly \$400 million for her clients. Yuri focuses on patent, trademark, and copyright infringement, trade secret misappropriation, unfair competition, and complex business litigation. Yuri is recognized as one of the top intellectual property attorneys in California by the *Daily Journal* and one of the 500 most influential people in Los Angeles by the *Los Angeles Business Journal*. She defended a federal trade secret misappropriation action that was selected as one of the "Top Verdicts" of the year by the *Daily Journal*.

A client notes that "Yuri's strength is not only in litigation skills but also her patience and interest in truly understanding and crafting a litigation strategy in line with the client's needs and goals."

Yuri's clients are located worldwide and in diverse industries such as automotive, industrial and consumer electronics, cosmetics, video and digital technology, media and entertainment, fashion and luxury goods, health technology, medical devices, mobile devices, semiconductors, and sporting goods.

Yuri serves in leadership positions with the American Bar Association, Federal Bar Association (LA chapter), and National Asian Pacific American Bar Association.

### **Representative Experience**

- Led the defense of a matter that was selected as one of the Top Defense Verdicts of 2019 by the *Daily Journal*. The case involved trade secret misappropriation and unfair competition claims related to Bluetooth and cloud-based telehealth hearing-aid technology filed against one of the largest hearing-aid manufacturers in the world. Yuri's team prevailed in a motion for summary judgment that confirmed the perils of seeking trade secret protection while simultaneously seeking patent and copyright protection and the importance of carefully crafting the terms of an NDA.
- Obtained a temporary restraining order on behalf of clients in a federal action that prevented competitors from misappropriating trade secrets, falsely advertising, unfairly competing and diverting customers and employees, and destroying evidence.
- Secured a jury verdict of willful patent infringement and copyright infringement against a client's competitor selling an infringing sea scooter.
- Argued before the Federal Circuit, which resulted in a seminal decision providing guidance on claim construction of design patents and affirming an order striking a patent expert from rendering opinions.
- Represented a Fortune 500 company before the International Trade Commission in a Section 337 investigation related to patent infringement by a competitor.
- Obtained a favorable claim construction and a subsequent noninfringement judgment in a case asserting against a client infringement of a patent directed to a personal flotation device.

- Obtained full dismissal of a company being sued by a competitor for allegedly infringing a wearable technology patent.
- Obtained full dismissal of a patent infringement action relating to mobile app technology on behalf of a publicly traded retailer.
- Obtained full dismissal of a company sued for allegedly infringing a transportation technology patent.
- Achieved relisting of products taken down on Amazon based on alleged patent infringement.
- Prevailed in a Ninth Circuit appeal on behalf of an international meat company on an order issued in the Central District of California related to proper service of summons.
- Obtained full dismissal, without payment, of an automotive parts company in a products liability action.
- Defended multiple automobile manufacturers in patent infringement cases involving tire pressure monitoring systems and accelerometers used in airbag restraint systems.
- Representing multinational companies to customize and implement patent and trademark enforcement programs to combat infringement, counterfeiting, and gray market goods, and to recover damages from infringers.
- Obtained a significant monetary settlement on behalf of a client against a Fortune 100 company accused of infringement within weeks of filing the suit and a temporary restraining order.
- Represented a global manufacturer in a patent infringement suit against a competitor related to patented technology in automotive parts, resulting in a favorable settlement.
- Represented a leading sports apparel and equipment company in a trademark infringement case.
- Prevailed in two separate motions to dismiss a securities class action filed against a client based in the People's Republic of China that was accused of making material misrepresentations in its securities filings.
- Obtained full dismissal, sanctions, attorneys' fees, and a monetary settlement from a plaintiff who sued a Fortune 500 company client for unfair business practices and fraud.

## **Publications & Presentations**

### **Publications**

- "GDPR and Overcoming Challenges to Obtaining Digital Discovery from European Entities," *Litigation Journal*, American Bar Association Section of Litigation, Spring 2018.
- "Can Trademark Laws Dictate What Is Disparaging?" *Litigation Journal*, American Bar Association Section of Litigation, Winter 2017.
- "How Foreign Companies' Online Activities Can Increase Exposure to U.S. Litigation," *Litigation Journal*, American Bar Association Section of Litigation, Summer 2017.
- "The Rise of Design Patents," *Litigation Journal*, American Bar Association Section of Litigation, Summer 2016.
- "The New Parole Ankle Bracelet: Your Smartphone," *Litigation Journal*, American Bar Association Section of Litigation, Spring 2014.

### **Presentations**

- "Pushing to the Top: Women Attorneys in High-Tech Culture," NAPABA Annual Conference, October 2016.

- “Intellectual What?? What Every In-House Counsel Needs to Know About Recent Developments in IP,” Corporate Counsel Section Meeting, Orange County Bar Association, July 12, 2016.
- “Real World Ethical Dilemmas for In-House Counsel and Their Outside Counsel,” Clear Law Institute, June 15, 2016.
- “In-House Insights: A General Counsel Forum,” Los Angeles Federal Bar Association, co-chair, Los Angeles, February 2016.
- “Hello ‘Proportionality,’ Goodbye ‘Reasonably Calculated’: Reinventing Case Management and Discovery Under the 2015 Civil Rules Amendments,” Los Angeles Federal Court, January 2016.
- “Patent Litigation Roundtable,” moderator, Chief IP Counsel Exchange CLE Conference, Austin, TX, September 2015.
- “IP Protection in Building Blocks of a Strong Foundation,” University of California, Irvine, McDonnell Douglas Engineering School, January 2014 & February 2015.
- “Doing Business Post-Snowden World (Recent Developments in Privacy Laws and Civil and Consumer Actions),” NAPABA Regional Conference, Portland, OR, June 2014.
- “Digital Brand Protection (Intellectual Property Protection Online),” INTA, Hong Kong, May 2014., May 2014.
- “Must Know GCs in OC Series 2013, 2014,” moderator, OCAABA, Costa Mesa, CA, May 2014.
- “Brand Protection in the Digital Age,” NAPABA Annual Convention, Kansas City, MO, November 2013.
- “Real World Ethical Dilemmas for In-House Counsel and Their Outside Counsel,” ALI-ABA, 2012, 2013, 2014.

### ***Professional & Community Engagement***

- Federal Bar Association, Los Angeles Chapter, Executive Committee, treasurer
- National Asian Pacific American Bar Association, Intellectual Property Committee, co-chair
- American Bar Association, Section of Litigation, councilmember (governing body)
- American Bar Association, Litigation Journal, editorial board (former)
- American Bar Association, Committee on Corporate Counsel, national co-chair (former)
- American Law Institute (ALI-ABA), Advisory Committee (former)

### ***Court Admissions***

- U.S. District Courts for the Central, Northern, Eastern, and Southern Districts of California
- Pro hac vice to the U.S. District Courts for the Eastern and Southern Districts of New York, Eastern District of Texas, and Eastern District of Pennsylvania, and district courts in Florida, Illinois, and Massachusetts.
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit

### ***Education***

- Pepperdine University (J.D.)
- University of California, Irvine (B.A.)

### ***Admitted to Practice***

- California

## *Related Services*

Intellectual Property | Intellectual Property Litigation | Trademark & Copyright | ITC Section 337 | Trade Secrets