

Diamond McCarthy Receives Complete Victory for Client Olaplex

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After nearly three years of litigation in multiple forums and a week-long trial during which more than a dozen witnesses testified, it took a jury just three hours of deliberations to return with a verdict on all issues in favor of Diamond McCarthy client, Olaplex. Olaplex's trial team consisted of Diamond McCarthy San Francisco office Partner, Matthew K. Blackburn, along with attorneys from Quinn Emanuel.

In the months leading up to trial, the Court granted summary judgment and found L'Oréal USA had infringed Olaplex's patents as a matter of law, granted Olaplex a rare preliminary injunction, and eliminated many of L'Oréal USA's counterclaims.

The trial focused on Olaplex's claims for trade secret misappropriation and breach of contract, and L'Oréal's charge that the patents were not valid. The jury found the following: (1) L'Oréal USA had willfully misappropriated Olaplex's trade secrets after a May 19, 2015 business discussion; (2) L'Oréal USA had breached a non-disclosure agreement; (3) both of Olaplex's patents were properly granted and are valid; and (4) L'Oréal USA's patent infringement was willful.

The jury awarded damages as follows:

Trade Secret Misappropriation: \$22,265,000

Breach of Contract: \$22,265,000

Patent Infringement: \$46,770,000

Because of limits on double recovery, the actual value of this verdict is believed to be approximately \$37.4 million. The jury also found that L'Oréal USA's acts were willful, permitting the Court to substantially increase the damages.

Diamond McCarthy congratulates Matthew K. Blackburn and the trial team on this complete verdict for client Olaplex.

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