

Technology Litigation

Technology is an element of all businesses, and our attorneys have in-depth knowledge and experience to help your business deal with legal disputes related to technology. Our clients include pioneers and leaders in technology and users of technology in various industries, ranging from start-ups to established and international companies. We offer extensive experience in all phases of technology-related litigation, including initial contract negotiations and formations, investigations, forensic analysis, expert testimony, and damages / loss evaluations. Technology litigation can often be complex, and our attorneys are skilled at clarifying and simplifying the issues and the technology for juries, judges, and arbitrators.

Representative Matters

We frequently represent a leading provider in contact center technology solutions and have obtained numerous successful arbitration results in our client's favor. For example:

- Our client was sued by a former customer, which alleged a breach of warranty by our client. Our client counterclaimed, and argued that the defect in the system was actually on the customer's side. A week-long arbitration on the issues involved highly complex expert testimony. Ultimately, our client had no liability on the customer's claims, and was fully successful on its counterclaims.
- When our client was sued by a customer, a national mortgage lending company, asserting millions of dollars in damages due to alleged malfunction of the call center system, we filed counterclaims for breach of contract on behalf of our client. After a week-long arbitration through JAMS, our client was fully vindicated of any wrongdoing and received a seven-figure award in our client's favor.
- In another arbitration against a former customer for wrongful termination of a multi-year service agreement, the arbitrator, after a week-long arbitration, issued an award in our client's favor, concluding that the customer's termination was wrongful, and awarded our client over \$1 million.
- We have also reached numerous favorable settlements for our technology client, including a confidential settlement of fraud claims brought by our client against a company it had acquired through a stock purchase agreement. Our client was seeking millions of dollars in damages, including punitive damages.
- We represented an IT provider in a complex and highly technical dispute regarding the rollout of a network and electronic recordkeeping system for an Atlanta-area dental practice. The issue was whether the dental practice had the right to withhold payment from our client for the work performed due to certain alleged technical issues, which our client vehemently disputed. Our attorneys aggressively pursued payment for our client and ultimately obtained a favorable settlement of the claim.
- We represented a company that has an online vendor management system for the state of Georgia. Our client was sued by subcontractor for breach of contract, fraud and misrepresentation, and breach

of fiduciary duty. The Georgia Court of Appeals concluded that the breach of fiduciary duty claim should have been dismissed at summary judgment because the relationship between the parties was “tenuous, transitional, and at times adversarial” and not one that would create a fiduciary duty or special relationship. The Court of Appeals also affirmed the trial court’s summary judgment ruling that the subcontractor did not have a valid fraud claim because the subcontractor failed to present any evidence that it relied on any representation by our client. *UWork.com, Inc. v. Paragon Technologies, Inc.*, 321 Ga. App. 584, 740 S.E.2d 887 (2013).

- We successfully represented a manufacturer of communications devices which brought claims against the supplier of computer chip design software which did not function properly. The dispute involved a host of complex technical and contract warranty issues.
- Our client was a sports league who sued another league for copying parts of our client’s website. The case was resolved in a confidential settlement agreement.
- We represented an out-of-state technology company that focuses on selling custom apparel for college and university organizations’ events. Our client was sued in federal court by a competitor under the Lanham Act, alleging our client held out the competitor’s designs to be its own or “reverse passing off” its graphic designs. The Court dismissed the action for lack of personal jurisdiction, noting our client’s two Georgia customers were not sufficient to confer jurisdiction, and even refused to allow the plaintiff to conduct limited jurisdictional discovery. *AT&T Mobility, LLC v. NASCAR*, 494 F.3d 1356 (11th Cir. 2007) (intellectual property dispute involving NASCAR race car logos)
- We represented a leading healthcare software company in an arbitration initiated by a vendor. Our client filed counterclaims against the vendor in the arbitration. The case went to a final arbitration hearing. Our client prevailed on all of its counterclaims and the opposing party did not prevail on any of its claims. The arbitrator awarded our client substantial monetary damages.