
JOSEPH D. WARGO

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Practice Areas:

Mr. Wargo practices in the following areas:

Complex Commercial Litigation
Intellectual Property and Trade Secrets
Appellate Litigation
Alternative Dispute Resolution
Defamation Litigation
Technology Law
Computer Software and Licensing Disputes
Arbitrator

Representative Matters:

- Successfully defended Fortune 500 manufacturing company in \$50 million breach-of-contract litigation brought by international chemical conglomerate in New York Supreme Court.
- Represented four whistleblowers in a *qui tam* lawsuit alleging that a for-profit education company had defrauded the United States Government out of hundreds of millions of dollars in Title IV funds. Aggressively pursued the litigation over eight years, including appeals. Ultimately reached a settlement with the publicly-traded defendant resolving the matter for a payment of \$32 million.
- Obtained nationwide preliminary injunctive relief in an action between industry-leading competitors, enjoining various types of unfair competition, including tortious and criminal conduct.
- Represented multinational financial institution in action brought by property insurer alleging breach of contract and seeking substantial damages. Obtained summary judgment on all claims in the United States District Court of the Northern District of Georgia on several independent grounds, including (1) that the alleged contract was in violation to Georgia statutory law and thus unenforceable, and (2) that the alleged contract also failed to meet numerous of the requirements for a valid contract. Following oral argument in the United

States Court of Appeals for the Eleventh Circuit, the summary judgment was affirmed.

- Briefed and argued before Eleventh Circuit to affirm summary judgment on behalf of multinational financial institution concerning Plaintiff's Employee Polygraph Protection Act claim, in first published opinion by the Eleventh Circuit regarding the "Ongoing Investigation" exemption to the Employee Polygraph Protection Act.
- Represented individuals in Georgia state trial court and Court of Appeals in putative class action concerning failure of for-profit university to provide accredited education.
- Defended a global, publicly-held company in a patent infringement lawsuit in the Central District of California. The patented technology at issue concerns a messaging system network that converts incoming e-mails to outbound faxes.
- Defended multinational office equipment company against multi-million dollar breach of contract and unfair and deceptive trade practices claims in the Middle District of North Carolina. Obtained summary judgment on unfair and deceptive trade practices claim, and reached favorable settlement after extensive pre-trial hearing on Daubert motion to exclude plaintiff's lost profits expert.
- Defended large distribution company in a Section 337 Investigation in the United States International Trade Commission (ITC). In one of the largest patent infringement investigations to date, the Court found the subject patent invalid based on a broadening reissue amendment and a deficient reissue certificate. The Court held there was no violation of Section 337 and a general exclusion order did not issue.
- Defended publicly traded technology company against \$144,000,000 fraud claim brought by former supplier of company. Obtained complete dismissal of all claims on summary judgment.
- Obtained \$7,000,000 jury verdict in federal court for former majority shareholders of publicly traded company on claims of fraud and breach of contract.
- Represented a publicly traded company in multi-million dollar bad faith denial of coverage litigation and obtained summary judgment finding coverage available, which ultimately led to a favorable settlement.
- Immediately responded to an ex parte temporary restraining order obtained by Federal Trade Commission in Texas federal court. Obtained vacatur of order within 8 days of client's business being shut down by FTC order.
- Defended a publicly traded technology company in contractual dispute involving an alleged denial of both physical and virtual access to certain software and

computers. Plaintiff sought over \$10 million in damages. In federal jury trial in Miami, Florida, limited plaintiff to recovery of nominal damages of one dollar.

- Defended technology company in trademark infringement action in the United States District Court for the Northern District of California. Defeated motion for preliminary injunction and obtained ruling that plaintiff had abandoned its trademark by virtue of naked licensing.
- Obtained summary judgment on breach of fiduciary obligation claim against former in-house counsel of one of the nation's largest power companies where company learned that attorney had removed, without authorization, privileged and confidential documents.
- Represented financial institution in coordinated litigation regarding claims of usury and breach of contract in New York, California and Georgia. Obtained summary judgment on all claims brought in the United States District Court for the Northern District of Georgia, which was subsequently affirmed on appeal by the United States Court of Appeals for the Eleventh Circuit.
- Mediated dispute concerning division of intellectual property rights among members and former members of a Billboard Top 10 music group.
- Defended legal publishing company in jury trial involving allegations of violations of Lanham Act in United States District Court for the Southern District of Florida. Argued appeal which resulted in seminal Eleventh Circuit decision on recovery of attorneys' fees in Lanham Act litigation.
- Obtained preliminary injunction for worldwide business equipment manufacturer in United States District Court for the Central District of California to prevent continued trademark infringement and false affiliation.
- Represented Internet web hosting company in breach of contract, breach of fiduciary duty, specific performance, breach of covenant of good faith and fair dealing and injunction case in federal court in Georgia, as well as related litigation in federal court in New York. Defeated opposing parties' request for preliminary injunction and obtained full dismissal of three of the six counts in Georgia litigation. Obtained award of sanctions against opposing party based on discovery abuses. Negotiated favorable settlement of both the Georgia and New York litigation to fully and finally resolve matter.
- Defended a multinational office equipment and supply manufacturer in litigation brought by the manufacturer's utility supplier seeking substantial damages in dispute over provision of natural gas. Obtained summary judgment in favor of manufacturer in the United States District Court for the Northern District of Georgia, which was affirmed by the Eleventh Circuit Court of Appeals.
- Nationwide counsel for alternative dispute resolution programs of international office equipment distributor; nationwide counsel for major overnight package

delivery service in response to third party litigation; nationwide counsel for trademark protection program of international automobile distributor.

- Obtained record-setting jury verdict in Section 1983 prisoner rights litigation in the United States District Court for the Southern District of Georgia on behalf of client of Alan Dershowitz.
- Represented various print and broadcast media outlets in First Amendment matters, including obtaining records of private corporation through open records act litigation.
- Obtained immediate injunctive relief in Georgia trial court against client's former employee who engaged in trade secret theft and joined client's competitor.
- Obtained preliminary injunctive relief in West Virginia federal court against former employee who violated employment agreement and Lanham Act unfair competition laws.
- Represented computer software company in defense of preliminary injunction sought by former employee based on employment agreement and breach of fiduciary duty claims.
- Tried Lanham Act trademark case on behalf of international office equipment company in Mississippi federal court.
- Tried Lanham Act trademark case on behalf of international German automotive manufacturer and distributor in Eastern District of Virginia "rocket docket."
- Tried breach of contract and tort case against automotive distributor in Georgia trial court, obtaining full compensatory and punitive damages relief.

Education:

University of Florida School of Law, Gainesville, Florida
J.D., *with Honors*, 1989

Honors:

Florida Law Review, 1989
Order of the Coif

Duke University, Durham, North Carolina
B.S., Psychology, 1985

Professional Activities:

- Consistently recognized as one of Georgia's "Super Lawyers" by *Atlanta Magazine* since 2006

- Member, UGA Entrepreneurship Program External Advisory Board
- Member, Intellectual Property Law and Litigation Sections of the American Bar Association
- Member, American Arbitration Association National Roster of Arbitrators and Mediators
- Member, Hispanic National Bar Association

Bar and Court Admissions:

- State Bars of Florida and Georgia
- Admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Fourth, Seventh, Ninth and Eleventh Circuits, the United States District Courts for the Northern and Middle Districts of Georgia, the United States District Court for the Middle and Southern Districts of Florida, the Supreme Court of Georgia and the Georgia Court of Appeals