



James V. Fazio III

PARTNER

San Diego

619.544.7282

jfazio@grsm.com

RELATED SERVICES

- Intellectual Property Litigation
- Government Investigations & Enforcement Defense
- Commercial Litigation

OFFICES

- San Diego

OVERVIEW

James V. Fazio is an experienced trial attorney and is a Partner in the San Diego office of GRSM. James focuses his practice on commercial, class action, and intellectual property litigation. He represents public and private companies as well as start-ups in a wide variety of disputes, including those involving patent, copyright and trademark infringement, theft of trade secrets, fraud, breach of contract, officer/director liability, unfair competition, interference, false advertising and various business tort claims. He has been practicing law since 1995 and was selected by his peers among the top ten intellectual property litigators in San Diego by *The San Diego Daily Transcript*.

James represents clients in a wide variety of technologies and industries, including food services and restaurants, telecommunications, computer hardware and software, database management, semiconductors and chip design, medical devices, biometrics, business methods, e-commerce and

wireless technologies, among others. He also has experience defending major companies against large class action lawsuits, including those involving data breaches, securities fraud and false advertising, stockholder derivative suits and investigations by the U.S. Securities and Exchange Commission. He is a former Assistant U.S. Attorney for the Southern District of California. While serving as a federal prosecutor, he tried nearly a dozen federal jury cases to verdict and argued numerous appeals before the Ninth Circuit Court of Appeals.

James regularly lectures and writes extensively on various legal topics. He previously authored and co-authored more than a dozen legal articles in various publications, including *IP Today*, *The Recorder*, *The FBA Newsletter*, *The Federal Lawyer*, *California Lawyer*, *The San Diego Daily Transcript*, and *The National Law Journal*.

REPRESENTATIVE EXPERIENCE

Representative Matters

- Obtained a multi-million dollar settlement for an international regenerative medicine company in a complex case involving claims for fraud and breach of an asset purchase agreement
- Settled a complex case involving claims for quantum meruit and conversion and cross-claims for misappropriation of trade secrets and related claims, as well as a parallel federal action for correction of inventorship, on behalf of a San Diego technology start-up company, resulting in a highly-favorable settlement and transfer of all intellectual property at issue to our client
- Recovered millions of dollars for a public wireless company in multiple complex breach of contract matters, obtaining monetary recoveries nearly 20 times the attorney fees expended
- Successfully represented a document camera company in the enforcement of multiple patents against several competitors in an ITC investigation and parallel district court cases, obtaining a consent order against one respondent, a default against a second respondent and a lucrative settlement with running royalties against a third respondent
- Obtained a seven-figure settlement for an entertainment company client in a complex case involving computer hacking and related claims on the eve of trial
- Obtained numerous lucrative settlements for a public company client in several multi-patent infringement actions involving multi-modal biometric technology
- Obtained a lucrative settlement for an e-commerce and risk management client in a complex case involving theft of computer code and unfair competition after taking over the case from prior counsel
- Won monetary sanctions against opposing counsel in a four-patent infringement case involving copy prevention technology, prompting an immediate and highly favorable settlement for our client
- Successfully negotiated the dismissal of a breach-of-contract case for a global internet security company client shortly after filing a motion for sanctions against the plaintiff

- Successfully defended an international shoe and apparel company in a trademark infringement action and reached a settlement that did not require payment of any monies to the plaintiff
- Successfully defended an international solar tubing business in a bet-the-company lawsuit, obtaining a dismissal of the case less than four months after filing
- Won a motion to sever and transfer a patent case for a global travel, real estate and hospitality company, resulting in a prompt and highly favorable settlement
- Successfully defended several public computer companies in securities fraud class action lawsuits and parallel investigations by the Securities and Exchange Commission (SEC), obtaining dismissals of the district court cases and no-action letters from the SEC

PUBLICATIONS

- Eye on Privacy 2021 Year in Review, 1.11.2022
- Trade Secret Litigation and Protection: A Practice Guide to the DTSA and the CUTSA, April 2022
- The Status of a Cannabusiness' Ability to Seek Relief in the Courts — the 'Illegality' Issue, *Cannabis Business Executive*, 6.10.2020

CREDENTIALS

Admissions

- California
- U.S. District Court, Southern, Northern, Eastern, and Central Districts of California
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit

Education

- J.D., cum laude, Syracuse University, 1995
- Syracuse Law Review Editor
- M.A.S., University of California, San Diego, 2010
- B.A., Colgate University, 1991

Honors

- Top 10 Intellectual Property Litigators in San Diego by The Daily Transcript, 2010, 2011 and 2014