

## LITIGATOR OF THE WEEK

### Jeffrey Chanin of Kecker & Van Nest

By Andrew Longstreth



When we spoke to Kecker & Van Nest partner Jeffrey Chanin earlier this week about the trade secrets verdict he won Tuesday for Taiwan Semiconductor Manufacturing Co., he had glowing comments about the Alameda County, Calif., jury that heard the case, which he said included Ph.D.s and engineers. The jury's brain power must have come in handy when Chanin was getting granular about semiconductors.

But it didn't take an advanced degree to understand Chanin's overarching message: Shanghai-based Semiconductor Manufacturing International Corp. brazenly stole trade secrets from his client in breach of a 2005 settlement. Under that deal, SMIC had agreed to pay \$175 million to resolve allegations that it misappropriated TSMC's trade secrets. Shortly after the deal was inked, however, TSMC found that SMIC was continuing to steal.

Chanin told us he had plenty of material to work with at trial. SMIC's behavior, he said, was "whole-

sale corporate espionage." According to The Recorder, Chanin compared SMIC in closing arguments to a thief whose "strategy has been to play a game of 'catch me if you can,' and play dumb when caught."

The jury seemed to agree. It found in favor of TSMC on 61 of 65 trade secret interrogatories. It also rejected SMIC's counterclaim that TSMC breached the terms of the 2005 settlement agreement.

The damages phase of the trial began Thursday. Chanin is seeking up to \$2 billion—which would serve to end the rivalry between his client and SMIC by putting the Shanghai company out of business.

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