



## William A. Delgado

### **PARTNER**

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A determined litigator with an entrepreneurial spirit, Will Delgado has a unique and results-driven approach to litigation: he focuses on the questions that will lead to complete victory right out of the gate. What is the other side's motivation? What does the client consider a "win"? What is the quickest path to achieve that win? With the answers to these questions in mind, he creates and executes a custom strategy to achieve the optimal victory in the quickest amount of time possible. As one of his clients once remarked, "I like you because you think like a business person, not a lawyer."

Will is an experienced trial lawyer who has litigated and tried numerous cases ranging from straightforward commercial matters to complex patent cases. Currently, he focuses his practice on intellectual property and class action defense. On the intellectual property front, he has litigated in district courts, including the Eastern District of Texas and the District of Delaware, before the U.S. Court of Appeals for the Federal Circuit, and before the International Trade Commission. On the class action front, he has litigated threatened or actual class actions in various federal courts across the country, including California, Texas, Illinois, Florida, New York, and New Jersey.

Will's list of impressive victories has earned him a series of accolades from notable media outlets throughout his career, including being named a "Top 20 Lawyer Under 40," a "Super Lawyer," and a "Top Latino Lawyer." True to his mantra, he has achieved "wins" for his clients in a variety of ways — from picking up the phone to negotiate a pre-suit resolution to securing an appellate affirmation of a trial victory.

Having spent the majority of his legal career as a partner at Willenken, Will started out as an associate at an Am Law 100 trial firm. He speaks fluent Spanish, a skill he utilizes when representing companies from Latin America and Spain. While he used to have hobbies that included

### **PRACTICE AREAS**

Appellate Practice  
Class Action Litigation  
Complex Business Litigation  
Intellectual Property Litigation  
Trade Secrets and Employee Mobility

### **EDUCATION**

New York University Law School,  
J.D., *magna cum laude*, 2002

University of Oklahoma, B.S.E.E.,  
*with special distinction*, 1999

### **BAR ADMISSIONS**

Admitted to the State Bar of  
California

Admitted to the New York State Bar  
Association

Admitted to Kentucky Bar  
Association

### **Federal:**

United States Supreme Court

United States Court of Appeals for  
the Eleventh Circuit

United States Court of Appeals for  
the Ninth Circuit

United States Court of Appeals for  
the Sixth Circuit

United States Court of Appeals for  
the Federal Circuit

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playing tennis and fly fishing, most of his free time is now consumed by coaching his two sons in various sports.

#### REPRESENTATIVE CLIENTS

- Microsoft Corporation
- The Nature's Bounty Co.
- Morgan Stanley
- Live Nation
- Walgreen Co.
- The Buckle, Inc.
- Sears Holdings Corporation

#### REPRESENTATIVE MATTERS

- *Rivas v. Physician Laboratories, Inc. et al.* Lead partner in the representation of a defendant in a false advertising class action. Plaintiff voluntarily dismissed the case while a motion to dismiss was pending and after the filing of defendant's opposition to class certification.
- *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.* Defended California technology company ARM Enterprises, Inc. in a week-long patent trial in Seattle where client had stipulated to infringement. Plaintiff sought \$4.5 million in damages but secured judgment of a mere \$192,000.
- *Korolshteyn v. Costco Wholesale Corp. et al.* Secured summary judgment in favor of retailer and dietary supplement manufacturer in a class action alleging violations of Cal. Bus. & Prof. Code 17200 and Cal. Civ. Code 1750 in connection with ginkgo supplement.
- *MyMedicalRecords, Inc. v. Walgreen Co.* Represented Walgreen Co. in a patent infringement lawsuit in the Central District of California which settled favorably after the firm filed a request for Inter Partes Review (IPR) with the USPTO.
- *Reed v. NBTY et al.* Secured summary judgment in favor of dietary supplement manufacturer in a class action alleging violations of Cal. Bus. & Prof. Code 17200, Cal. Bus. & Prof. Code 17500, and Cal. Civ. Code 1750 in connection with work-out supplement.
- *Gossoo v. Microsoft.* On behalf of Microsoft Corporation, defeated class certification in a Song-Beverly Credit Card Act class action.

United States District Court for the Central District of California

United States District Court for the Northern District of California

United States District Court for the Southern District of California

United States District Court for the Eastern District of California

United States District Court for the Eastern District of Texas

United States District Court for the District of Colorado

United States District Court for the Eastern District of Michigan

United States District Court for the Eastern District of Kentucky

United States District Court for the Western District of Kentucky

#### State:

California (all state courts)

New York (all state courts)

Kentucky (all state courts)

#### PROFESSIONAL AFFILIATIONS

National Association of Minority and Women Owned Law Firms, *Board Member*

Hispanic National Bar Association, *Member*

Cuban American Bar Association, *Member*

Leadership Council on Legal Diversity, *Fellow* (2017)

#### COMMUNITY/ CIVIC INVOLVEMENT

City of Los Angeles, LAPD Police Permit Review Panel, *Former Commissioner*

City of Los Angeles, LAPD Police Permit Review Panel, *Former Hearing Examiner*

#### HONORS

*Super Lawyers*, "Super Lawyer"

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- *Carenet USA Int'l, Inc. v. NBTY et al.* Secured summary judgment in favor of dietary supplement manufacturer in breach of contract dispute in which Plaintiff alleged it had not been provided bee propolis capsules as required by the contract.
  - *ISWest v. Milon-DiGiorgio Enterprises*. On behalf of ISWest, an award-winning ISP, prevailed in a two-week jury trial before the Honorable Florence-Marie Cooper in the Central District of California in a trademark infringement dispute. Later secured affirmance on the appeal before the U.S. Court of Appeals for the Ninth Circuit.
  - *Hopewell Culture & Design LLC v. VIZIO*. Represented VIZIO in a patent infringement lawsuit in the Eastern District of Texas brought by a non-practicing entity. The matter was favorably resolved prior to the first scheduling conference.
  - *Luko v. Ticketmaster*. On behalf of Ticketmaster, defeated a Song-Beverly Credit Card Act class action with a motion for judgment on the pleadings.
  - *Cahn v. Oversee.net*. Defended a leading technology company from a multi-million breach of contract claim by a former employee who claimed he had been inappropriately denied bonuses. After prevailing in a first bench trial, secured favorable settlement in the midst of a second bench trial before the Honorable Steven Wilson in the Central District of California.
  - *Lewis v. Jinon Corp.* In a class action lawsuit alleging violation of the Song-Beverly Credit Card Act, filed a demurrer on behalf of Jinon which was sustained with prejudice. The trial court's opinion was later affirmed on appeal.
  - *Otter Prods. v. AFC Trident*. Represented a mobile computer accessory distributor in a patent infringement action in the District of Colorado and in a Section 337 investigation before the International Trade Commission. Both cases were settled very favorably for the firm's client.
  - *Oversee.net v. Fareloop, LLC*. Together with outside co-counsel, represented Oversee in a lawsuit against former chief engineer and other former employees for misappropriation of trade secrets. Obtained highly favorable settlement on the eve of taking first deposition in the matter.
  - Represented numerous retailers in connection with various copyright infringement lawsuits involving fabric designs.
- (2019)
- Benchmark Litigation*, "Local Litigation Star" (2018 and 2019), "Benchmark California Star" (2019)
- Latino Leaders Magazine*, "Top Latino Lawyer" (2018)
- Daily Journal*, "Top Verdicts of 2014" (2015)
- Daily Journal*, "Top 20 Lawyer Under 40" (2014)
- The Recorder*, "Lawyers on the Fast Track" (2012)
- Order of the Coif
- Tau Beta Pi
- #### SPEAKING ENGAGEMENTS
- Co-Presenter, "Size Doesn't Matter: How Top Boutique Firms Are Winning Big Clients From Big Law," Logikcull 2019 Winter Semester Webinar Series (March 6, 2019)
- Moderator, "MCCA's Blueprint for Buying & Selling - A Pitch Workshop for Outside & In-House Counsel," MCCA 2018 Creating Pathways to Diversity Conference (October 3, 2018)
- Panelist, "Crazy Litigation Strategies That Just Might Work (and Tried and True Ones That Might Not)," HNBA 2018 Annual Convention (September 6, 2018)
- Panelist, "Mastering Your Own Destiny and Stepping Out," HNBA 2018 Corporate Counsel Conference (March 17, 2018)
- Moderator, "Mandating Diversity: The Inclusion Clause," MCCA 2017 Creating Pathways to Diversity Conference (October 3, 2017)
- Panelist, "A Brave New World in IP," ACC Southwest Ohio Chapter CLE Presentation (September 25, 2017)
- Panelist, "What is the Future of Class Action Litigation," HNBA 2017 Annual Convention (September 8, 2017)

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Panelist, "Technology and the Trial,"  
MCCA Global TEC Forum (October  
2016)

Panelist, "Ten Tips to Reduce Your  
Litigation Spend," ACC South  
Florida Chapter's 6th Annual CLE  
Conference (September 30, 2016)

Moderator, "Don't Rain on My  
Parade: Negotiating Cloud  
Computing Agreements,"  
NAMWOLF 2016 Annual Meeting  
(September 16, 2016)

Moderator, "General Counsel  
Panel," NAMWOLF 2016 Annual  
Meeting (September 16, 2016)

Panelist, "Best Friends? The  
Relationship Between In-house and  
Outside Counsel," HNBA 2016  
Annual Convention (September 9,  
2016)

Presenter, "Class Action Highlights  
2015," ACC Southwest Ohio Chapter  
CLE Presentation (November 17,  
2015)

Moderator, "General Counsel  
Panel," NAMWOLF 2015 Annual  
Meeting (September 2015)

Presenter, "Privacy and Data Breach  
Update," ILLS Meeting (November  
2014)

Panelist, "Class Actions: Report  
from the Trenches," NAMWOLF  
2014 Annual Meeting (September  
2014)

Moderator, "Recent Developments  
in Patent Law," MCCA CLE Expo  
(March 2014)

#### PUBLICATIONS

Co-Author, "Why Bristol-Myers  
Applies to Class Actions," *Law360*  
(March 30, 2018)

Co-Author, "A Crash-Course in  
Data-Security Regulation and  
Litigation," *ACC Docket* (September  
2015)