

# \$17 Million Attorney Fee Award Aims to Deter Malicious Trade Secret Misappropriation

## Publications

April 2025

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Singapore-based XP Power has been ordered to pay \$17 million in attorneys' fees to opponent Comet Technologies, USA, following Comet's victory at trial. The Northern District of California issued the order in January 2025, and it follows a jury award to Comet of \$40 million in unjust enrichment damages.

XP Power and Comet Technologies are rival companies, producing products including semiconductor chips, radios, and power supply materials. Comet Technologies sued XP Power in 2020 for alleged trade secret misappropriation. Comet Technologies claimed that XP Power intentionally hired Comet's top engineers, and that those engineers downloaded confidential information from Comet's files and took them to XP Power. The case went to trial in 2022. There, the jury agreed that XP Power had willfully misappropriated Comet Technologies' trade secrets, and that Comet was entitled to \$20 million in compensatory damages. The jury awarded an additional \$20 million in punitive damages because it found that XP Power acted willfully and maliciously. XP Power unsuccessfully petitioned the court in 2022 for a new trial.

On top of damages at trial, a prevailing party can seek an award of attorneys' fees in cases of willful trade secret misappropriation. Comet Technologies filed a motion to recover its legal fees. XP Power challenged the fee request on the basis that Comet should not be considered the prevailing party because XP Power voluntarily dismissed many of its claims before trial. The court rejected this theory in granting XP Power's motion and ordering XP Power to pay \$17 million in attorneys' fees. The award represents more than 20,000 hours of attorney and paralegal time. The court's ruling expressly stated that the award is meant to deter "malicious trade secret misappropriation" and "encourage trade secret defendants to make reasonable litigation decisions."

This article is available in the Jenner & Block Japan Newsletter. / この記事はJenner & Blockニュースレターに掲載されています。

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