

Kevin M. Passerini | Partner
Business Litigation

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Kevin Passerini provides legal counsel to clients in a wide range of business issues, concentrating on the prevention and litigation of disputes between competitors in the following areas:

- trade secrets and intellectual property
- restrictive covenants
- false advertising
- corporate raiding
- breaches of the duty of loyalty
- unfair competition
- antitrust

While Kevin's practice often involves fast-paced injunction proceedings, he also provides counseling to companies outside of the litigation context addressing these critical and ever-evolving issues. In particular, Kevin counsels clients on the protection of competitively valuable information, employee work product, and human capital and related investments in employee training and research and development. He regularly provides consulting to clients with respect to the drafting, negotiation, and implementation of restrictive covenant agreements and related employment and IT policies and practices as well as the use of forensic tools to aid in the protection of companies' key assets and the enforcement of key employees' obligations.

Kevin served as Note and Comment Editor of the *Journal of Law and Commerce* while in law school, and he interned with the Civil Division of the United States Attorney's Office for the Eastern District of Pennsylvania. Kevin's collegiate studies focused on biology and chemistry, including research

contributions published in the *American Journal of Botany*.

Select Engagements

- A global medical device company, in matters involving FDA-regulated medical devices, corporate raiding, trade secrets, restrictive covenants, unfair competition, anticompetitive conduct, fraud, false advertising under the Lanham Act, and antitrust, including appellate litigation.
- A global chemical company, in litigation concerning a competitor's efforts to enforce restrictive covenants.
- A healthcare corporation, in antitrust litigation pertaining to pharmaceutical patents and the Hatch Waxman Act, including appellate litigation.
- A healthcare insurer and its officers and directors, in a RICO class action.
- The founder and corporate executive of publicly-traded, global fashion and apparel company, in derivative action alleging breach of fiduciary duty, corporate waste, and unjust enrichment.
- The founder, corporate executive, and director of closely-held company, in business divorce involving breach of fiduciary duty and oppression.
- A previously-acquired defense contractor and its former officers, in a post-acquisition RICO, breach of contract, and trademark infringement action brought by the acquiring company.
- A publicly-held defense contractor, in a post-acquisition fraud lawsuit against the former officers and directors of an acquired company.

Admissions

- Pennsylvania
- New Jersey
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey
- U.S. District Court - Western District of Michigan

Memberships

- American Bar Association
- Historical Society of Pennsylvania

Education

- University of Virginia, BA
- University of Pittsburgh School of Law, JD, cum laude

Professional Activities

Kevin serves on the Board of Councilors for the Historical Society of Pennsylvania

and worked to found the organization's Young Friends Board. He also has authored articles regarding trade secrets for *The Legal Intelligencer* and frequently serves as a panelist at CLE programs on the topics of trade secrets litigation and employment practices and ethical issues.