



Thomas A Counts

Partner, Litigation Department
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Tom Counts is a partner in the IP and Complex Litigation practice groups and co-chair of the firm's Privacy and Cybersecurity practice. He is based in the firm's San Francisco office.

Mr. Counts' practice focuses on complex business and technology litigation and trial practice, with an emphasis on intellectual property disputes, privacy and data security law, trade secret litigation, trademark, false advertising and unfair competition litigation, licensing litigation, competitive business torts, and litigation stemming from failed joint venture agreements. He has substantial experience obtaining and opposing demands for prejudgment remedies, including writs of attachment, temporary restraining orders, and preliminary injunctions. Mr. Counts has conducted numerous arbitrations and mediations, and has successfully briefed and argued appeals before both the Ninth Circuit Court of Appeals and the California Court of Appeal.

Recent Representations

- Align Technology, Inc. – Represent maker of Invisalign invisible braces in multiple litigation matters, including three International Trade Commission matters involving patent infringement and trade secret misappropriation by foreign competitor.
- WideOpenWest – Represent Illinois Internet Service Provider in privacy class action litigation alleging ECPA and related-claims stemming from behavioral advertising program.
- Leading Electronic Device Manufacturer – Represent Company in multiple class action matters involving allegations of hardware product defects and warranty claims, false advertising, and privacy claims involving collection of personal information during e-commerce transactions.
- Hitachi GST – Represent Hitachi in litigation involving failed joint venture involving development of 100+ acre South San Jose property.

Speaking Engagements and Publications

San Francisco

T: 1(415) 856-7077
F: 1(415) 856-7177

Practice Areas

Privacy and Cybersecurity
Life Sciences and Healthcare
Technology
Internet of Things
Trade Secrets
Intellectual Property
Patent Litigation
Class Actions
ITC Section 337
Investigations

Admissions

California Bar

Education

Stanford University, A.B. 1983
Stanford University, M.A.
1984
University of California,
Berkeley, School of Law, J.D.
1990

Thomas A Counts (Continued)

- Presenter at 2012 Bridgeport program on privacy litigation and privacy policies
- Presenter at annual PLI Intellectual Property Law Institute on recent developments in trade secret law
- Presenter at PLI program on Trade Secret Litigation and Employee Mobility

Professional and Community Involvement

- After leaving the partnership at another firm and immediately prior to joining Paul Hastings in 2003, Mr. Counts was Chief Operating Officer and General Counsel of a venture-backed e-commerce application software company and Founder of a venture-backed enterprise software development company.
- Vice Chair, Bishop O'Dowd High School Board of Directors
- Editor, High Technology Law Journal (University of California, Berkeley (Boalt Hall) 1988-90)
- Former high school teacher and administrator

Education

- University of California, Berkeley (Boalt Hall), JD, 1990
- Stanford University, MA, 1984
- Stanford University, AB, 1983

News

January 05, 2015

Paul Hastings Advises Hanwha Q CELLS in US\$1.2 Billion Sale to and Merger with Hanwha SolarOne

April 09, 2014

Paul Hastings and Align Technology Inc. Secure Precedent-Setting Intellectual Property Case Victory before the ITC

June 05, 2013

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United States 2013

Insights

July 11, 2018

California Consumer Privacy Act of 2018 Set to Dramatically Change Privacy Landscape Across the Country

Thomas A Counts (Continued)

June 21, 2016

From Life-Saving to Lethal: Product Liability After a Cyberattack

January 22, 2014

Hulu Hoops: Standing & Damages as Threshold Issues in Privacy Cases

December 16, 2013

The Ordinary Course: A Look at Privacy Law Developments in the Google Cases

November 08, 2013

Settling With Named Plaintiffs in Federal Class Actions: Does Timing Matter?

June 01, 2009

Recent Consumer Law Developments at the California Supreme Court: What Ever Happened to Prop. 64 and What Will Consumer Class Actions Look Like in the Future?

Rankings & Awards

September 13, 2018

Recognized as the Hatch-Waxman Litigation Firm of the Year by LMG Life Sciences