

George L. Murphy Jr.

Partner

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Services

Class Action Defense
Complex Commercial Litigation
Litigation
Patent Litigation
Patents
Product Liability

Industries

Financial Services
Health & Life Sciences
Construction & Infrastructure

George Murphy focuses his practice on complex federal court litigation involving commercial litigation, patent disputes, product liability, and cases involving the acquisition or disposition of large companies. George has successfully represented numerous public and private companies in all phases of civil trial and appellate practice in state and federal courts across the United States, as well as before arbitration tribunals. George has been particularly effective in leading teams of attorneys in large complex patent and commercial cases as counsel for *Fortune* 500 companies.

George is also knowledgeable in the areas of alternative fee agreements and early case assessment and has been featured on several occasions as a speaker or panelist on these topics. Over the years he has held a number of significant firm management positions, including responsibility for the firm's Litigation department and as leader of the firm's Complex Commercial Litigation team.

George has been named a Georgia "Super Lawyer" in Business Litigation and Intellectual Property Litigation by *Super Lawyers* magazine for several years, most recently in 2019 and 2020 for Intellectual Property Litigation. He has also been recognized in the 2012 edition of *The Best Lawyers in America*® for Patent Litigation and in 2019 and the six years immediately preceding, he was recognized for Commercial Litigation, Intellectual Property Litigation, and Patent Litigation and in 2027 and the seven years immediately preceding, he was recognized for Commercial Litigation, Intellectual Property Litigation, Patent Litigation, and Mass Tort Litigation/Class Actions - Defendants. George is listed in the 2017 and the eight years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for General Commercial Litigation. He has been recognized as a 2015 "Legal Elite" for General Practice/Trial Law by *Georgia Trend* magazine. George is also recognized as one of the top business litigators in the nation by a 2009 Corporate Counsel Edition of *Super Lawyers* magazine. He is AV® rated by Martindale-Hubbell.*

Experience

Represented Pepsi-Cola Co. and PepsiCo in a patent infringement suit brought by Coca-Cola in the Northern District of Georgia involving bag-in-box technology used to store and dispense syrup used to create soft drinks in soda fountains. The court granted Pepsi's Motion for Summary Judgment, finding that the technology was substantially different from what was described in the Coke patent. PepsiCo's use of this technology did not infringe Coke's technology described in the asserted patent, and therefore, did not infringe the patent. *The Coca Cola Co. v. PepsiCo Inc., et al.*, 500 F. Supp.2d 1364 (N.D. Ga. 2007).

Represented Pioneer Hi-Bred International, Inc. in a patent infringement action filed by Genetic Technologies Limited ("GTG"). The plaintiff sued nine defendants in the United States District Court for the Western District of Wisconsin alleging patent infringement of its patent relating to methods of analysis of non-coding DNA sequences. Several large companies had previously been involved in litigation with GTG over this patent. As a result of licenses GTG negotiated with those defendants, GTG sought millions of dollars in past damages and future license fees from Pioneer. Because of intensive defensive efforts and factual investigation, we approached GTG regarding settlement. These discussions resulted in a favorable settlement of the matter, the terms of which are confidential. *Genetic Technologies Limited v. Beckman Coulter, Inc. et al.*, No. 3:10-cv-00069 (W.D. Wisc. filed Feb. 11, 2010).

Successfully coordinated interstate seizure of infringing products for Viad Corp. in a multimillion dollar trademark infringement case.

The firm served as lead counsel on behalf of Viad Corp., seller of large aircraft fuel services company, and recovered substantial award in purchase price adjustment proceeding initiated by buyer. *Ranger Aerospace Corporation v. Viad Corp.*

The firm served as lead counsel on behalf of Viad Corp. in representation of seller of cruise line. Recovered substantial arbitration award in purchase price adjustment proceeding initiated by buyer. *Viad Corporation v. Cruise Holdings, Ltd.*

The firm served as lead counsel in representation of AT&T Mobility in connection with multimillion dollar post-closing adjustment related to sale of divisional business unit. The case was settled through arbitration. *Velocita Wireless Holding Corp. v. RAM Communications Group LLC and SBC Wireless LLC.*

Successfully represented major investors in New York based entertainment company to break board deadlock and ultimately obtain control to compel the sale of the company.

Represented the issue in a \$15.9 million public offering undertaken in connection with the mutual-to-stock conversion and holding company formation by a mid-Atlantic savings institution.

Represented E. I. du Pont de Nemours and Company in a wrongful death action claiming that a young child died in a house fire allegedly caused by an automobile's speed control deactivation device that was subject to one of the largest automotive recalls in the history of the United States. DuPont was named as a defendant because it produced a component part that was used in the speed control deactivation device. After moving for summary judgment based on the lack of credible causation evidence or expert testimony, plaintiffs agreed to

dismiss their claims against DuPont for very little consideration. *Juan Washington et al. v. Ford Motor Company, et al.*

Successfully represented E. I. du Pont de Nemours and Company and obtained significant monetary recovery from distributor following distributor's termination. *E.I. du Pont de Nemours and Co. v. Sierra Stone LLC*, Case No. 2006CV113367 (Super. Ct. Fulton County, Ga. filed Mar. 1, 2006); *Stoneworkz IP Holding Co., LLC v. Turnberry Stone, LLC*, Case No. 06-03366 (Dist. Ct. Dallas County, Tex. filed Apr. 6, 2006).

Successfully defended E. I. du Pont de Nemours and Company in a toxic tort action claiming wrongful death allegedly caused by exposure to trace benzene. *Wilkins et al. v. PPG Industries, Inc., et al.*

Negotiated the voluntary dismissals, without payment, of hundreds of toxic tort - silica lawsuits filed in multiple jurisdictions following initial aggressive defensive motion practice. *Reid v. American Optical Corporation, et al.*

Lead counsel representing GP Chemicals Equity LLC (GP) in an action alleging breach of contract, fraud, unjust enrichment, violations of the Lanham Act, and violations of Georgia's Fair Business Practices Act. We obtained summary judgment and the court entered judgment in GP's favor on all claims asserted against it. Affirmed on appeal. *Importers Service Corporation v. GP Chemicals Equity LLC*, in the U.S. District Court for the Northern District of Georgia, Civil Action File No. 1:07-cv-00745-JOF.

Successfully defended paperboard container manufacturer in a wrongful termination action brought by a timber supplier who was seeking to recover the lost profits that it allegedly sustained after our client terminated the parties' contract. The timber supplier relied on allegations of promissory estoppel and oral contract to claim that our client should have continued purchasing pulpwood from the supplier, despite the termination, until such time that the supplier disposed of its remaining inventory. During discovery, the timber supplier provided deposition testimony acknowledging that no enforceable promises were ever made that could support a claim for breach of oral contract or promissory estoppel. Accordingly, we moved for summary judgment on all claims asserted by the timber supplier, and following oral argument, the court granted our client's motion. The supplier appealed the trial court's ruling to the Court of Appeals, and after the parties had fully briefed the issues, the Court of Appeals issued an opinion affirming the trial court's decision.

Routinely participates in pro bono services with a focus on representing actions of tenants seeking the return of their security deposits from landlords who withheld them in violation of law. The work of these lawyers has recovered thousands of dollars for tenants, enabling them to move into other housing and move on with their lives.

Served as lead counsel for our client who was a victim of labor trafficking. The firm's client, Thembi Dlamini, was enticed to Atlanta from her native Swaziland, a country in Southern Africa, in 2005 to purportedly work in Atlanta for two weeks to cater a couple's son's upcoming wedding. When she arrived in Atlanta, her passport and return plane ticket were confiscated and she learned that everything she had been told was lies and that she was brought to Atlanta to be the slave of this couple. Ms. Dlamini was forced her to work 16 hours a day, taking care of the couple's grandchildren, cleaning their home and the homes of neighbors, and working in their construction business. She lived in these conditions for 20 months until she had enough and took the risk of telling neighbors

and friends of her captors her true circumstances. The case culminated in a jury trial in April 2015, and our client obtained a verdict of \$365,000 in damages in what is believed to be one of the first civil lawsuits in Georgia for labor trafficking. *Dlamini v. Babb*, Case No. 1:13-cv-02699-WSD (N.D. Ga., filed Aug. 13, 2013).

Education

University of Georgia J.D. (1983) *cum laude*

Furman University B.A. (1980) *magna cum laude*

Admissions

Georgia (1983)

Court Admissions

Georgia Court of Appeals

Supreme Court of Georgia

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court Eastern District of Texas

U.S. District Court - Middle District of Georgia

U.S. District Court - Northern District of Georgia

U.S. District Court - Western District of Wisconsin

Professional & Community Activities

Eleventh Circuit Historical Society:
Georgia Vice President (2005-2023)
Secretary (1999-2005)
Georgia Trustee (1997-1999)

Phi Beta Kappa, Member

Member of American Health Lawyers Association

Member of Georgia Hospital Association

Insights

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Kilpatrick Townsend Earns Top Recognitions in 2023 Edition of The Best Lawyers in America®
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August 19, 2021