

## Rising Star: Kirkland's Gregg LoCascio

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By **James Armstrong**

Kirkland & Ellis LLP partner Gregg LoCascio successfully represented the makers of Equal in a nationally followed false advertising suit and recently made a splash winning a trade secrets case for The Boeing Co., earning him a place as one of Law360's 10 intellectual property lawyers under 40 to watch.

"I was in the right place at the right time," LoCascio said. "I was given responsibility early in my career, and clients came to trust and rely on me."



LoCascio attributes his early opportunities to the culture at Kirkland, where associates are put through a full-blown training program every year. By the time they get to a real trial, they feel like they've done it all before, LoCascio said.

The 39-year-old is a member of Kirkland's litigation; patent infringement litigation; intellectual property; commercial litigation; and copyright, trademark, Internet and advertising litigation practice areas.

The trials LoCascio has argued have not been run-of-the-mill cases. In the Boeing case, the company had hired an employee from a subcontractor, which then alleged Boeing violated its trade secrets. LoCascio's challenge in the Boeing case was to take a complicated technology and make it understandable to the jury.

LoCascio was originally trained as a mechanical engineer, but with each case comes the challenge of learning and mastering a new technology, he said. In this case, it was technology related to the National Geospatial-Intelligence Agency, which provides accurate charts and maps of the earth's terrain.

"If I can explain something to my mom and her friends who are in their 60s and 70s, then I know I'm doing a good job," LoCascio said.

In the Boeing case, LoCascio and his team argued that the plaintiff had not proven a claim against Boeing. The judge ultimately agreed and dismissed the case.

However, LoCascio is known in IP circles for more than his skills as a defense attorney. Prior to the Boeing case, he worked on a trial for Siemens Corp., which had brought suit against a maker of crystals used in PET scans.

The case was tried for a week and a half in front of a jury. The current judgment, which is on appeal to the U.S. Court of Appeals for the Federal Circuit, is for just under \$50 million, LoCascio said.

"Most litigators will remember exactly where they were when they tried a particular case," LoCascio said. "This one was easier than some of the others on me and, more so, my wife, because it was shorter and closer to home than the three before it, and our second daughter wasn't born until the next summer in 2009."

Fortunately, LoCascio — who is based out of the firm's Washington office — was able to take a brief period off afterward to spend some time with his newborn daughter before the Boeing trial started.

Perhaps the case LoCascio is best-known for is the false advertising suit that pitted Merisant Co., maker of the sweetener Equal, against rival McNeil Nutritionals LLC, manufacturer of Splenda. The two sides were household names, and the trial was being followed all across the country.

"I was 36 and being interviewed by the Wall Street Journal and The New York Times and meeting with the Today Show," LoCascio said. "My aunts and uncles were reading about my case in their local newspapers."

Splenda was making claims that it was made from sugar and thus tasted like sugar. However, LoCascio said the company had patents on ways to make Splenda out of other things that were not sweet at all, so the sugar source was irrelevant.

The jury went out to deliberate, and counsel for both sides attempted to negotiate a settlement. By the time the jury returned, the lawyers had an agreement in principle, LoCascio said. They rushed to inform the judge before the verdict was read.

"We walked into chambers just as the judge was putting her robe back on," LoCascio said.

And how did it feel to be the center of national attention while still in his 30s? LoCascio gives credit to those who gave him the chance to be there. He hopes to help young attorneys at Kirkland receive the same opportunities he's had.

"I feel like I now have an obligation to make sure that others have those opportunities, too," LoCascio said. "If they continue to grow, I hope every one of them gets an opportunity to first-chair a case in their 30s."

*For more information about Gregg LoCascio, please go to [www.kirkland.com/glocascio](http://www.kirkland.com/glocascio).*

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