

Del. Court Issues Warrant In WL Gore Trade Secrets Case

By **Allissa Wickham**

Law360, New York (April 08, 2014, 7:40 PM ET) -- The Delaware Chancery Court on Monday issued an arrest warrant for a former W.L. Gore & Associates Inc. scientist whom the medical device company has accused of stealing trade secrets, following the ex-employee's failure to surrender his passports and visas to the court.

Vice Chancellor Donald F. Parsons Jr. issued a bench warrant for defendant Huey Shen Wu after the former Gore employee failed to submit to the court his U.S. and Taiwanese passports, as well as his Chinese visas.

The judge had sought Wu's travel documents after he was repeatedly found in contempt for violating injunction that prevented him from participating in polymer-related projects.

Charles Knapp, the lead attorney for Gore in the suit, said that the court issued the warrant "very reluctantly" and noted that this was a "truly extreme situation."

"As far as we know, this is the first time this has happened in Delaware Chancery Court," Knapp told Law360 on Tuesday.

Gore first sued Wu in 2004, after discovering that its ex-scientist had stolen files and misappropriated trade secrets from the company, which manufactures laminated fabrics used in outerwear.

In 2006, the Delaware Chancery Court barred Wu from researching or selling any polymers that he'd worked on for Gore until March 2016, as well as from developing or selling any polytetrafluoroethylene polymers until March 2011.

Gore filed its current suit against Wu in October 2012, claiming that he was operating companies in Taiwan and China that sold polymers prohibited by the injunction. When Wu failed to respond to the second suit, Chancellor Parsons threatened to arrest him, according to Knapp.

While the threat got Wu into the courtroom, he was subsequently found to be in contempt of the 2006 injunction order. After being found in contempt a second time in February 2013, the court issued a \$410,426 fine against Wu.

Shortly thereafter, Wu filed for bankruptcy, bringing to light several documents that prompted Gore to file for further contempt sanctions, Knapp told Law360 on Tuesday. Due to Wu's repeated violations,

the court sought his international travel documents on March 25.

While Wu maintains a residence in Delaware, he has been living in Taiwan for the last several years, according to Knapp. When asked if Wu was currently in the country, Knapp saidm “that’s the million-dollar question.”

Attempts to contact Wu were unsuccessful on Tuesday night.

Gore is represented by Martin S. Lessner, Tammy L. Mercer and Emily V. Burton of Young Conaway Stargatt & Taylor LLP and Charles F. Knapp and Joel P. Schroeder ofFaegre Baker Daniels.

Wu is proceeding pro se, according to Knapp.

The case is W.L. Gore & Associates Inc. v. Huey Shen Wu et al., case number 7946, in the Delaware Court of Chancery.

--Additional reporting by Jamie Santo. Editing by Christine Chun.

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