

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ACRYLICON USA, LLC
a Delaware limited liability company,

Plaintiff,

v.

SILIKAL GMBH
a foreign company,

Defendant.

CIVIL ACTION FILE
NO. 1:14-CV-1072-TWT

ORDER

This is an action for misappropriation of trade secrets and breach of contract.

It is before the Court on the Plaintiff's Motion for Entry of Judgment [Doc. 418]. The Court did not direct entry of judgment immediately after the jury verdict in order to give the parties the opportunity to brief the issue of an award of "exemplary damages" under O.C.G.A. § 10-1-763(b). The Defendant opposes any award of exemplary damages. However, the evidence at trial was clear that Silikal deliberately and intentionally sold AcryliCon's trade secret 1061 SW resin for close to 15 years and concealed its misconduct – and that this misconduct continued even after Silikal entered into a settlement agreement with AcryliCon over these same issues in 2010. The unrebutted evidence also showed that Silikal's managing director, Hubert

Weimann, was fully aware of the company's misconduct and allowed it to continue. An award of exemplary damages is appropriate to deter the Defendant from any future use of the AcryliCon secret formula for 1061 SW resin – especially in light of the Defendant's admitted violation of the Global Settlement Agreement. Enhanced damages under the Georgia Trade Secrets Act are not subject to the cap on punitive damages under O.C.G.A. § 51-12-5.1. In any event, the Defendant waived its punitive damages argument by failing to raise it in the charge conference or prior to the discharge of the jury. The Plaintiff's Motion for Entry of Judgment [Doc. 418] is GRANTED. The Clerk is directed to enter judgment in favor of the Plaintiff and against the Defendant in the sum of \$4.5 million. The Defendant's Supplemental Motion for Oral Argument [Doc. 437] is DENIED.

SO ORDERED, this 16 day of August, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge