

Laura Anne Kuykendall

Associate

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Laura Anne (LA) counsels individuals and companies responding to allegations of regulatory and criminal wrongdoing and advises them in connection with navigating these high-stakes matters throughout the investigatory, enforcement, and litigation process.

OVERVIEW

LA represents clients facing federal regulatory, civil, and criminal investigations, enforcement, and related litigation. Recognized by *Best Lawyers: Ones to Watch* for her trial and litigation skills in appellate, white collar defense, and patent litigation, LA works closely with clients to distill complex ideas into compelling narratives for judges and juries.

LA focuses her practice on conducting internal investigations, representing clients facing Department of Justice (DOJ) investigations and enforcement actions, federal and state grand jury proceedings, and antitrust litigation. LA also represents clients in patent infringement litigation and has extensive experience in the "Rocket Docket" of the U.S. District Court for the Eastern District of Virginia. She draws upon her experience as a U.S. district court law clerk, during which time she handled a diverse range of complex federal civil and criminal matters, including False Claims Act litigation, government contracting fraud, and complex commercial disputes.

She has appeared on-brief in numerous cases in the Virginia Supreme Court, the Virginia Court of Appeals, the U.S. Supreme Court, and the U.S. Court of Appeals for the Federal Circuit.

In her pro bono practice, LA represented a Virginia inmate in connection with his federal habeas corpus petition, which raised constitutional challenges to his sentence. Although he was made eligible for parole by the Virginia General Assembly, she continues to represent him before the Virginia Parole Board.

REPRESENTATIVE MATTERS

White Collar

- Successfully represented a multinational digital media, news, and entertainment company in a breach of contract action filed by a competitor after failed acquisition talks and after the competitor and its CEO were indicted for wire fraud and related offenses. The civil litigation was dismissed.
- Successfully represented the national sales manager of a broiler chicken producer in a multiweek federal criminal antitrust jury trial, obtaining a not guilty verdict on behalf of our client. Our client's acquittal was

achieved in the third trial, following two previous mistrials due to hung juries. The case stemmed from the DOJ's ongoing investigations into the poultry industry, and involved allegations of price fixing and bid rigging in the sale of broiler chickens to national quick-service restaurant chains.

- Representing a national bank in connection with the Southern District of New York's indictment of a startup company's former CEO on numerous felony charges of wire fraud, bank fraud, and securities fraud related to the sale of the startup.
- Representing a government contractor in connection with a False Claims Act investigation and criminal antitrust investigation regarding discounts and rebates on government procurement contracts and allegations of bid rigging and price fixing.
- Conducted an internal investigation of a wire and cable manufacturer after the company discovered over a million dollars' worth of inventory was missing from one of its warehouses.
- Successfully represented a government contractor in connection with a DOJ criminal investigation for alleged country-of-origin mislabeling and fraud, resulting in no charges being filed against the company or its president/CEO and successfully resolved a parallel False Claims Act investigation.
- Successfully represented a national bank in connection with the DOJ's investigation of a vendor of the bank regarding allegations that the vendor improperly co-mingled client data and misrepresented to the client how the data would be used.

Patent Litigation

- Successfully represented an e-commerce and technology company in connection with patent infringement allegations pending in the U.S. District Court for the Eastern District of Virginia. The district court dismissed some claims as unpatentable under 35 U.S.C. § 101 and granted summary judgment as to others, finding noninfringement and/or patent ineligibility under § 101 and awarded the client attorneys' fees under 35 U.S.C. § 285. The ruling was affirmed on appeal.
- Represented a luxury vehicle manufacturer suing its competitor for patent infringement in the Rocket Docket. Following a *Markman* hearing, the case settled on terms favorable to our client.
- Represented world's largest artificial Christmas tree manufacturer in wide-ranging litigation against a global competitor, including two district court cases involving 10 different patents, more than 20 *inter partes* review petitions before the Patent Trial and Appeal Board, and six consolidated appeals.
- Successfully represented a medical device repair company in connection with patent infringement allegations brought by competitor. All claims were dismissed at summary judgment stage.

AWARDS

- *Best Lawyers in America®: Ones to Watch*: Appellate Practice (2021-2025), Criminal Defense: White-Collar (2021-2025), Litigation – Patent (2021-2025)
- James C. Roberts Award for Outstanding Achievement in Pro Bono Service (2016)

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Enforcement Actions + Investigations
- False Claims Act + Other Whistleblower Actions
- Patent Litigation
- White Collar Litigation + Investigations

ALL AREAS OF FOCUS

- Antitrust
- Appellate + Supreme Court
- Corporate Espionage Response Team
- Enforcement Actions + Investigations
- False Claims Act + Other Whistleblower Actions
- Litigation + Trial
- Patent Litigation
- White Collar Litigation + Investigations

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Virginia Bar Association
- Federal Bar Association, Richmond, Virginia Chapter, Board Member (2016-present); Young Lawyers' Division Chair (2017-2018); Membership Chair (2018-2019); Recording Secretary (2019-2020); Treasurer (2020-2021); Vice President (2021-2022); President-Elect (2022-present)
- John Marshall American Inn of Court, President (2019-2021); Vice President (2018-2019); Program Chair (2017-2018); Membership Chair (2016-2017); Member (2014-present)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Richmond School of Law, J.D., 2011, staff member, *University of Richmond Law Review*; oral argument chair, Moot Court Board
- University of Virginia, B.A., *Echols Scholar*, 2008

BAR ADMISSIONS

- Virginia

COURT ADMISSIONS

- Supreme Court of Virginia
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia

CLERKSHIPS

- Circuit Court for the County of Henrico, Virginia
- Hon. M. Hannah Lauck, U.S. District Court, Eastern District of Virginia

SPEAKING ENGAGEMENTS

- Speaker, "Perspectives on the Investigation & Prosecution of Anti-competition Criminal Cases," Virginia Bar Association's Seventh Annual White Collar Crime Criminal Law Forum, September 14, 2023.

- Presenter, “Joint Defense Groups: Lessons Learned from the ‘Chicken Coop,’” Defense Trial Counsel of West Virginia, June 15, 2023.
- Presenter, “Comments Concerning Motions Practice and Discovery in the United States District Court,” Introduction to the Federal Courthouse, Richmond Chapter of the Federal Bar Association, February 28, 2023.
- Presenter, “Comments Concerning Motions Practice and Discovery in the United States District Court,” Introduction to the Federal Courthouse, Richmond Chapter of the Federal Bar Association, January 22, 2019.

PUBLICATIONS

- Co-author, “Companies Can No Longer Afford to Slack Off in Preserving Chats and Messages,” *Troutman Pepper*, February 8, 2024.
- Co-author, “SEC Investigations and Enforcement: Responding to a Request for Information and Documents,” *LexisNexis Practical Guidance*, January 17, 2024.
- Co-author, “Antitrust Criminal Enforcement on the Horizon,” *Troutman Pepper*, September 7, 2023.
- Co-author, “Hee Pretrial Diversion Agreement Signals Small Victory for Antitrust Division in Wage Fixing and Staffing Allocation Case,” *Troutman Pepper*, January 30, 2023.
- Co-author, “DOJ Making Good on Section 2 Monopolization Enforcement Promises With Latest Criminal Indictment,” *Troutman Pepper*, December 9, 2022.
- Co-author, “Case Highlights How to Protect Investigative Work Product from Disclosure,” *Troutman Pepper*, December 1, 2022.
- Co-author, “It’s Not “Business as Usual” for DOJ’s Corporate Criminal Enforcement Efforts,” *Troutman Pepper*, September 20, 2022.
- Co-author, “Lessons for Multi-Defendant, Joint Defense Group Cases,” *Bloomberg Law*, August 25, 2022.
- Co-author, “DOJ to Refocus on Individualized Determinations in Criminal Prosecutions,” *Troutman Pepper*, February 4, 2021.
- Co-author, “How to Work With Regulators During Internal Investigations,” *Law360*, December 14, 2018.
- Co-author, “Supreme Court Scales Back Definition of ‘Whistleblower’ for Dodd-Frank’s Anti-Retaliation Provision,” *Troutman Sanders Advisory*, February 2018.
- Co-author, “New Requirements for Protecting Sensitive Government Data Adopted for Government Contractors: Is Your Company in Compliance?,” *Troutman Sanders Advisory*, February 2018.
- Co-author, “DOJ Secures Its Largest False Claims Act Settlement Involving a Nursing Home Company,” *Troutman Sanders Advisory*, October 2016.
- Co-author, “DOJ Shines New Light on Environmental Criminal Prosecutions,” *Troutman Sanders Advisory*, July 2016.
- Co-author, “Recent Developments in Virginia Election Law of Interest to Local Government Practitioners,” *Journal of Local Government Law*, Spring 2016.
- Co-author, “Revisions to United States Attorney Manual Underscore DOJ’s New Push for Individual Accountability,” *Troutman Sanders Advisory*, November 2015.