



Debevoise
& Plimpton

Intellectual Property

Recognized Leaders

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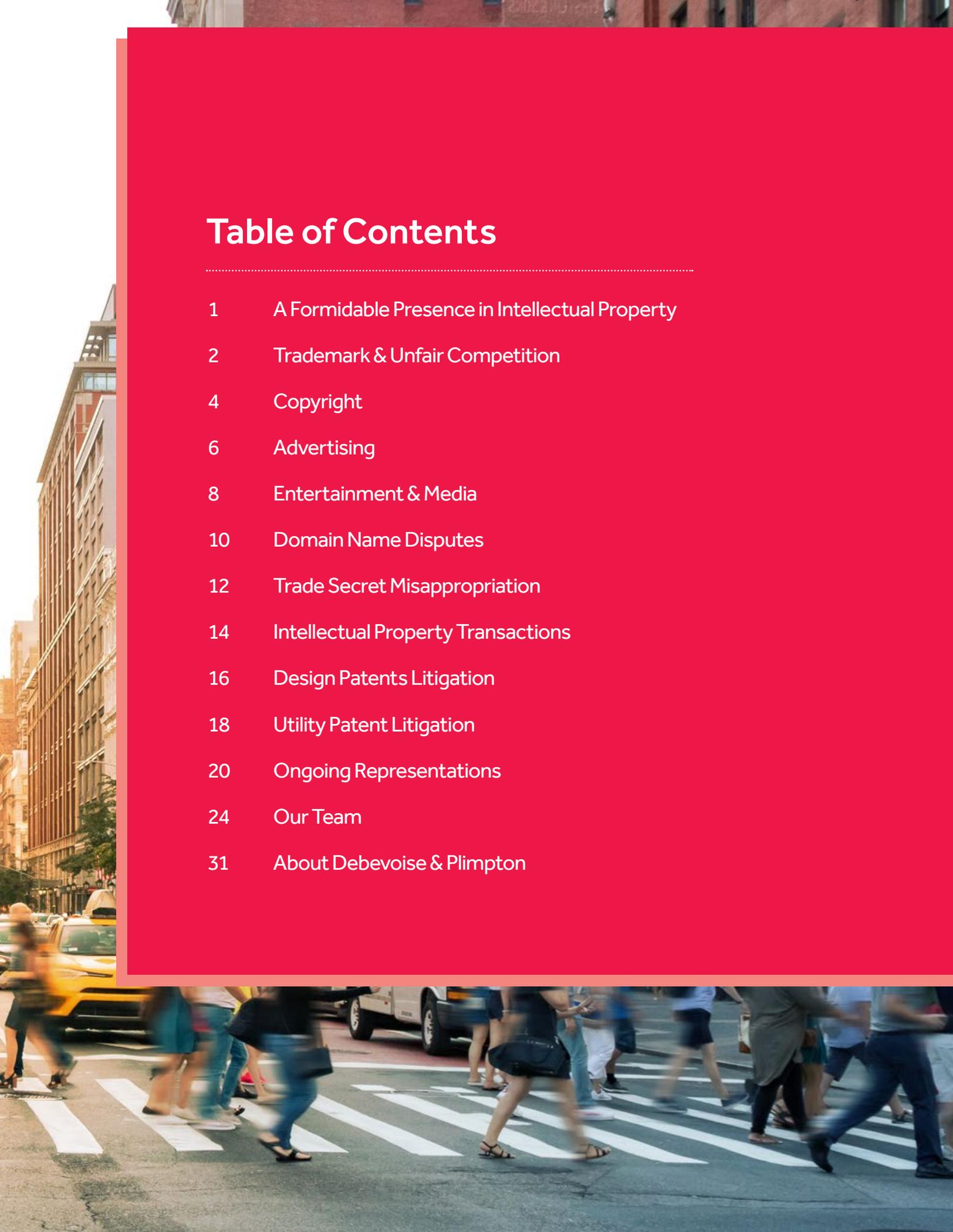


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2022 Intellectual Property Practice Group of the Year

—*Law360*

“Intellectual Property Law Firm of the Year”

—*Chambers USA Awards 2022*

Band 1 firm for Intellectual Property: Trademark,
Copyright & Trade Secrets in the United States.

—*Chambers USA*

“The group is flawless. Anything that comes up, no matter how novel or sophisticated, is dealt with perfectly.”

—*Chambers USA*

Top tier for Trademarks: Litigation.

—*The Legal 500 US*

“The Debevoise team convinces with their very strong analytical skills, and their professional, well-grounded legal analysis on complex legal disputes with international magnitude.”

—*The Legal 500 US*

Gold Band – “Debevoise & Plimpton operates at the apex of the branding market”

—*World Trademark Review*

“One of the finest law firms in the country”

—*The Legal 500 US*

A Formidable Presence in Intellectual Property

Debevoise & Plimpton has one of the nation's leading Intellectual Property practices.

Our team has developed a stellar reputation for handling the most difficult cutting-edge cases, transactions and counseling projects in trademark, copyright, patent, advertising, right of publicity, privacy, and related matters. We not only litigate leading cases around the country, but we also are thought leaders, teaching and writing on intellectual property law, advocating for regulatory and legislative improvements in the law, and promoting efficient alternative dispute resolution mechanisms for intellectual property cases.

Our teams help clients win: achieving courtroom victories and efficient, business-friendly solutions to novel legal challenges across a wide range of industries, including AI, automotive, broadcast television, consumer products, cosmetics, coworking, cybersecurity, entertainment, fashion, financial services, food and beverage, healthcare, insurance, Internet, luxury goods, motion pictures, pharmaceuticals, professional sports, publishing, recorded music, retail, semiconductors, software, technology, travel, telecommunications, and wines and spirits.

Clients benefit from lean, highly experienced and expert teams that offer thorough analysis of the law, refined to its most practical application.

Finding the right business answer is always the priority.

Trademark & Unfair Competition

“The firm that I want as my top-notch litigation counsel and partner in a trademark infringement suit”

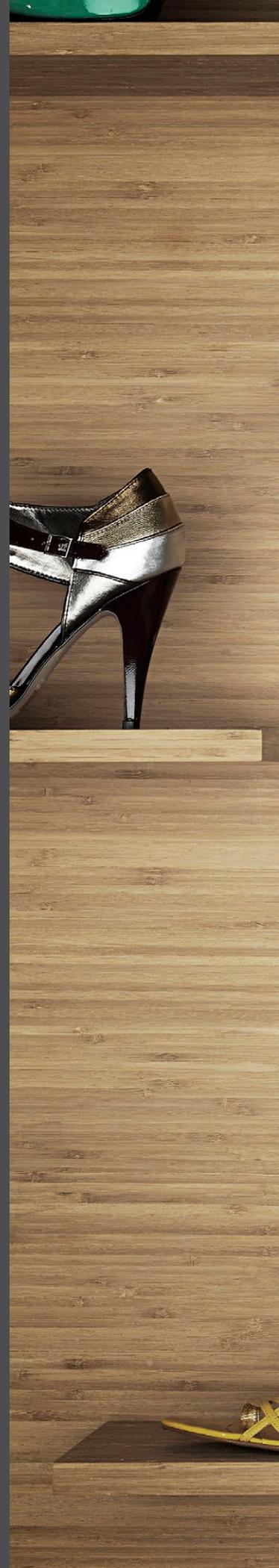
Our team, led by David H. Bernstein and Megan Bannigan, protects the world’s highest-profile brands in complex trademark disputes around the globe.

We have extensive experience litigating the most difficult trademark, trade dress, unfair competition, and anti-counterfeiting cases, including both obtaining and defending against temporary restraining orders and preliminary injunctions, and at trials that often are conducted in expedited time frames. We examine all available arguments and defenses, including invalidity of marks, likelihood of confusion and/or dilution, fair use, functionality, crowded fields, First Amendment, fraud, and the equitable defenses of laches, unclean hands, and estoppel. We also have unique knowledge related to the design, supervision and critique of consumer perception surveys, which often play a vital role in trademark, trade dress and advertising cases, having been involved in the design or critique of hundreds of surveys conducted by dozens of the nation’s leading survey experts. We represent clients in state and federal courts - up to the Supreme Courts - and before the Patent and Trademark Office, Trademark Trial and Appeal Board, International Trade Commission, and domestic and international arbitral tribunals.

Our team prides itself on its deep knowledge of our clients’ industries and businesses. When it suits the client’s objectives, we work to find creative solutions well before trial. But we are trial lawyers first, always ready to win in court.

In addition to our litigation experience, we regularly advise clients in the clearance of rights and the selection, development, acquisition, registration, and protection of trademarks, trade dress, and trade names.

David Bernstein is a “rockstar,” “just incredible in terms of strategic planning” and “indisputably one of the very best trademark lawyers in the country.”



Booking.com

We were co-counsel to Booking.com in an 8-1 U.S. Supreme Court victory holding that Booking.com could register its eponymous domain name, BOOKING.COM, as a trademark. The decision validated the reality that millions of consumers recognize BOOKING.COM as a valuable brand in the market and paved the way for protecting many other marks that would have been in jeopardy from an adverse ruling.



We represented Casa Azul Spirits in a trademark infringement action brought by Casa Tradicion, the maker of Clase Azul tequila, in an action challenging the CASA AZUL trademark for tequila and tequila soda. In a big win for our client, following a five day bench trial, U.S. District Judge Lee Rosenthal ruled in favor of Casa Azul, affirming the distinctiveness of Casa Azul's trade dress, name and branding and rejected all claims brought by Casa Tradicion.



We represented Costco Wholesale Corp. before the U.S. Court of Appeals for the Second Circuit in successfully overturning the lower court's summary judgment decision that Costco counterfeited and willfully infringed Tiffany & Co.'s TIFFANY trademark for diamond engagement rings. In addition to obtaining reversal of the liability findings, we also obtained reversal of more than \$25 million in damages and attorneys' fees. The case was remanded for a new trial, and was subsequently resolved amicably.



MSCHF Product Studio, Inc.

We represented MSCHF Product Studio, Inc. – a provocative Brooklyn art collective – in a high-profile dispute with Nike regarding MSCHF's "Satan Shoes" – customized Nike Air Max 97 sneakers, featuring Satan-related iconography and drops of human blood that were designed in collaboration with rapper Lil Nas X. Nike sued MSCHF for trademark infringement and dilution, but the court recognized that "rights of artistic expression are paramount" and declined to order a recall of the 665 shoes MSCHF had already shipped to customers. MSCHF's artistic message having been amplified by the suit and its shoes having been sold, we negotiated a favorable settlement with Nike.



Following a five-day trial, Debevoise won a decisive verdict for Kate Spade & Co. which ensured its right to use the trademark KATE SPADE SATURDAY despite a challenge from Saturdays Surf, a popular clothing line that claimed the exclusive right to use SATURDAY in connection with clothing.



In a series of litigations over a decade that included a multiday evidentiary hearing focused on the complexities of Soviet and Russian law, dismissals by two different district judges, two appeals to the Second Circuit, and a petition for certiorari to the Supreme Court, Debevoise achieved a complete victory for our client Pernod Ricard in obtaining dismissal of ownership claims filed by a Russian Federation entity related to the STOLICHNAYA trademark. While a third appeal was pending, Debevoise negotiated a highly-favorable resolution that permanently removed our client from any future claims related to this ongoing dispute.



We successfully represented H&R Block in a high-profile trademark infringement suit against Twitter-founder Jack Dorsey's payment company Square, Inc., which changed its name to Block, Inc. and contemporaneously started to offer free tax preparation and filing services through its Cash App. We won a significant preliminary injunction from the Western District of Missouri that prohibited Dorsey's company from using the BLOCK trademark in connection with its tax filing business. Although that decision was later reversed on appeal over dissent, we leveraged the dissent and remand into a settlement for H&R Block.



We successfully represented SocioMX, a company that organizes soccer games between international major league teams and provides fan engagement opportunities, in obtaining a preliminary injunction against use of the SOCIOS trademark and socios.com domain name for a competing soccer fan engagement program based on cryptocurrency tokens. We subsequently leveraged the preliminary injunction into a settlement for SocioMX.



We obtained a preliminary injunction for Diamond Hands Consulting, the owner of the SatoshiStreetBets trademark for cryptocurrency forums, in one of the first trademark cases related to infringement of cryptocurrency brands.



Copyright

“Debevoise has built an outstanding reputation as a heavyweight in copyright litigation.”

Our copyright practice, led by Megan Bannigan, spans our litigation (including enforcement and defense), licensing, corporate and counseling practices. We offer full-service protection for clients that are seeking to build, enhance, and defend the value of their copyright assets, as well as clients that use copyrighted materials. Our lawyers work both on enforcing copyrights and on cutting-edge litigation at the intersection of copyrights and technology. Our team’s fully integrated and interdisciplinary practice has positioned itself as a market-leader in advising clients on the next generation of copyright issues like the challenges related to generative artificial intelligence. We’ve cultivated a deep technical knowledge to support our sophisticated, innovative approaches to emerging technologies. Our lawyers have advocated for clients on a wide-range of AI-related technology agreements, licenses, and joint venture agreements, as well as, advised clients on their intellectual property rights pertaining to training data sets, models, and generated outputs.

We have played a significant role in seminal copyright cases, including before the United States Supreme Court, and regularly advise clients on a wide range of matters, including the acquisition and licensing of copyrighted materials, publishing and development agreements, technological and product developments and issues of fair use and the application of the Digital Millennium Copyright Act.

We cover the full spectrum of copyright matters in the content development, retail, technology and not-for-profit sectors, including motion pictures, television, visual art, music, literature, computer software, packaging and fashion design.



We represented NBC Universal, CBS Broadcasting and Disney/ABC in precedent-setting copyright litigation involving the public performance right, in successfully challenging Aereo's unauthorized streaming of broadcast television programs over the internet using thumbnail-sized antennas. We helped secure an ultimate victory for our clients at the U.S. Supreme Court, which held that Aereo's service was infringing. *The New York Times* dubbed the case one that "will shape TV's future."



We represent Extreme Networks in a source code dispute in federal court in Tennessee. SNMP is alleging that Extreme Networks is improperly including SNMP source code in its products.



We successfully represented Costco in the United States Court of Appeals for the Ninth Circuit in a case challenging its sale of gray market Omega watches. Omega tried to prevent the sale of those watches by claiming copyright infringement based on a tiny globe design engraved on the back of the watches, but we successfully defeated those claims and obtained affirmance of the district court's judgment, which included a precedent setting concurrence that Omega had engaged in copyright misuse.



We successfully represented Prada in defending against a baseless copyright infringement claim related to Prada's use of its iconic Robot design in its gold jewelry. In the face of an artist's claims that Prada's jewelry violated her 2012 copyrighted robot designs, we were able to resolve the dispute by demonstrating that Prada designed its Robot design prior to the creation of the artists' copyrighted work. We also successfully represented Prada in defeating a copyright infringement lawsuit based on Prada's use of a vintage Hawaiian shirt design. After we were able to prove that plaintiff fraudulently claimed ownership of the design, we obtained cancellation of plaintiff's copyright registration and dismissal of the litigation.

Advertising & Healthcare

“Renowned for its litigation capabilities and displays significant experience in the handling of advertising disputes.”

Led by David Bernstein, Paul Rubin and Jared Kagan, our team of advertising lawyers have decades of experience in handling every part of advertising campaigns. From designing substantiation studies to vetting advertising copy to defending ads before regulators to litigating false advertising disputes in court and before the FTC, NAD and television networks, our team has deep familiarity with every stage of an advertising campaign and advertising challenges.

Leveraging our keen understanding of the FDA regulatory landscape, we also have a long history representing drug, cosmetic, food, dietary supplement and device companies, among others, in a wide range of commercial disputes, state AG investigations, Lanham Act false advertising lawsuits, class-action lawsuits, the FTC and NAD, trademark application, opposition and cancellation disputes before the Trademark Trial and Appeal Board.

We pride ourselves on a practical, business-oriented approach to advice, and often work with scientists in a wide variety of fields to substantiate clients' advertising claims and to expose the weaknesses in competitors' claims. Thanks to this experience, we have an enviable record of success. Debevoise lawyers have won and defended motions for preliminary injunctions, efficiently resolved class action advertising cases, defended against regulatory investigations in the advertising arena, and prevailed in more than 100 matters at the NAD. Our team is frequently asked to speak at the nation's leading conferences, and we have authored the leading treatise in advertising law in the United States.

Paul Rubin is a *LMG Life Sciences*:
“Life Sciences Star”



L'ORÉAL

We successfully represented L'Oréal USA, Inc. in multiple class actions, as well as FTC and FDA investigations, related to claims that anti-aging skin care products from the company's Lancôme and L'Oréal Paris product brands do not perform as advertised.

AMERICAN EXPRESS

We have represented American Express in advertising disputes against its major competitors (including Visa and MasterCard) and against banks and other parties that issue competing credit cards. Both in court and at the NAD, we have successfully challenged claims that disparaged the acceptance of the American Express card, have forced the abandonment of claims that exaggerated the benefits of other cards, and have defended claims touting the superiority of the services provided by American Express.



Unilever

We represented Unilever in a high profile false advertising challenge to the name and labeling of Just Mayo sandwich spread. Unilever argued that the name and label, which showed an image of an egg, were false because the product contained no eggs and was therefore not mayonnaise. Ultimately, the FDA agreed to take the lead on the challenge.



NOVARTIS

In a precedent-setting advertising dispute that created new law on the substantiation of advertising claims, Debevoise won a preliminary injunction against Mylanta NightTime on the ground that the name deceptively implies that the product was specially designed for nighttime heartburn and would prevent heartburn all night long. Debevoise successfully defended that injunction on appeal before the Court of Appeals for the Third Circuit, and beat back a request for rehearing en banc and for certiorari.



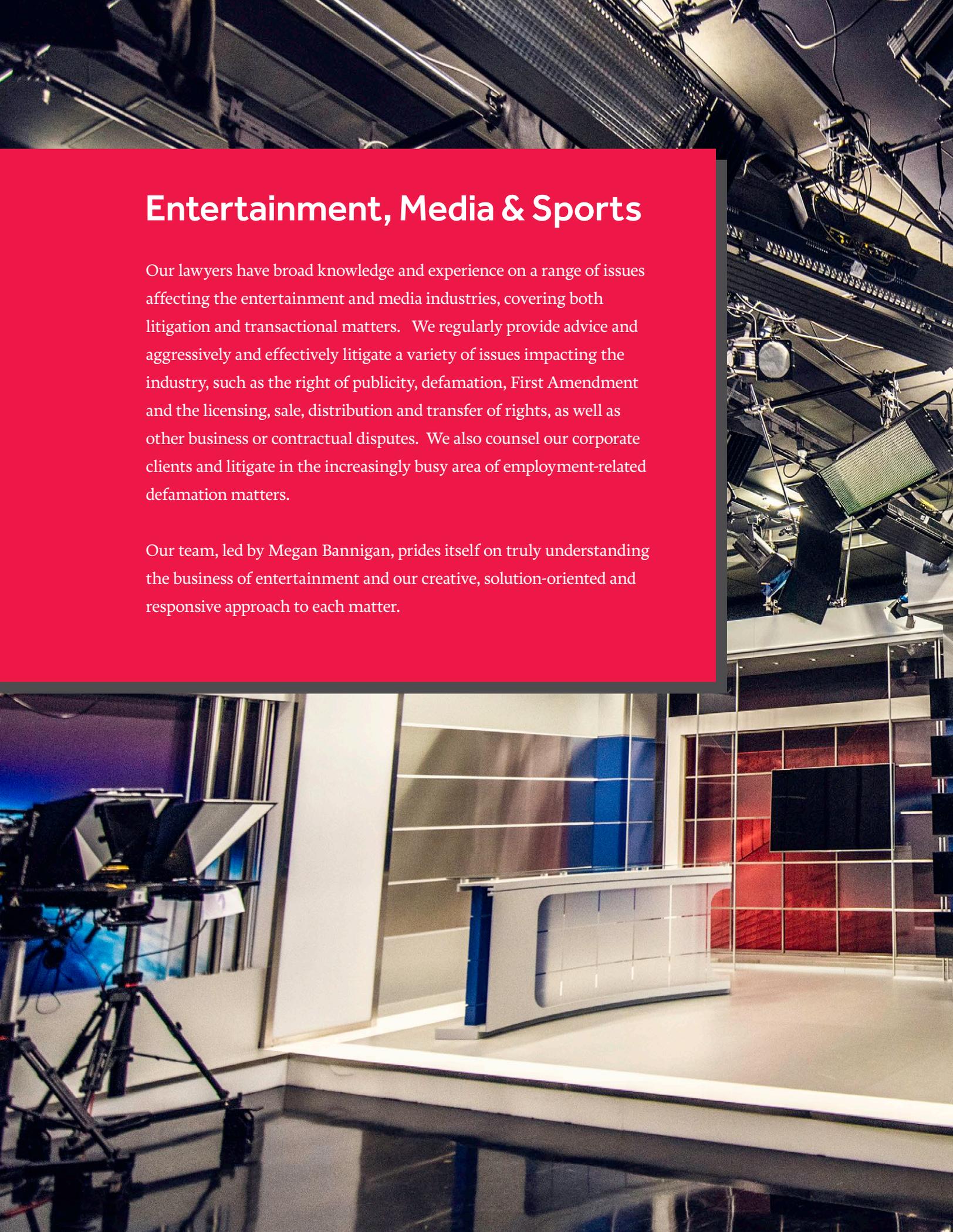
We negotiated a successful settlement on behalf of Foundation Medicine Inc., a leading cancer diagnostic company, in critical false advertising litigation against Guardian Health, a competitor in the space. Following disqualification of its initial counsel, Foundation Medicine invited many of the nation's leading advertising law firms to pitch to take over the matter and ultimately selected Debevoise to handle this important project.



We represented Kind LLC in a series of advertising challenges before the NAD against Clif. In one case – the first ever decided by the NAD under its fast-track SWIFT procedure – we won a decision barring Clif from advertising its energy bars as being “better performing” for “sustained energy.” In another, we won the right for Kind to continue to show that the first ingredient in Clif's leading bar is brown rice syrup and that Kind's leading bar has 75% less sugar.



Although obtaining shape and color trademark registrations can be challenging, we were successful in obtaining approval from the U.S Patent and Trademark Office for GSK's trademark applications consisting of the color purple applied to the surface of GSK's ADVAIR DISKUS inhaler products, used for the treatment of asthma and other respiratory ailments. In 2016, two companies that intend to enter the market with generic equivalents of ADVAIR filed oppositions to GSK's application. We resolved the challenges early in the process, and the oppositions were withdrawn. We also stand ready to challenge in court any generic equivalent of ADVAIR that improperly infringes on the distinctive color and shape of GSK's ADVAIR inhalers.



Entertainment, Media & Sports

Our lawyers have broad knowledge and experience on a range of issues affecting the entertainment and media industries, covering both litigation and transactional matters. We regularly provide advice and aggressively and effectively litigate a variety of issues impacting the industry, such as the right of publicity, defamation, First Amendment and the licensing, sale, distribution and transfer of rights, as well as other business or contractual disputes. We also counsel our corporate clients and litigate in the increasingly busy area of employment-related defamation matters.

Our team, led by Megan Bannigan, prides itself on truly understanding the business of entertainment and our creative, solution-oriented and responsive approach to each matter.



In the first New York case to address right of publicity claims within video games, we secured dismissal of cases brought by Lindsay Lohan and by Karen Gravano against Take-Two Interactive Software concerning the alleged use of their likenesses in the Grand Theft Auto video game.



We won a major victory at the summary judgment stage for the National Football League in a case brought by retired NFL players seeking to enjoin and be compensated for the NFL's continued use of game action footage taken during their playing careers. We also successfully settled a class action involving the same claims. Summary judgement and approval of the settlement were both affirmed by the Eighth Circuit.

TimeWarner

We obtained summary judgment dismissing a libel suit brought by Donald J. Trump against our clients, Time Warner Book Group and *New York Times* editor Timothy L. O'Brien, involving the book *TrumpNation: The Art of Being The Donald*.



We successfully represented Fox Sports in connection with its launch of a new football league, the United States Football League, which adopted team and league names and logos based on nostalgia for the old United States Football League of the 1980s. We helped Fox acquire the USFL trademark rights, structure the transaction with its partners in the USFL venture, and successfully defeated a motion for a preliminary injunction that was filed by a group of owners and executives from the old 1980s USFL teams.



Debevoise successfully represented the NHL and the Toronto Maple Leafs in connection with a dispute with Snoop Dogg regarding his applications for the trademark "Leafs By Snoop" and an accompanying design mark resembling the Maple Leafs' design mark. Debevoise was retained on the heels of widespread press coverage regarding the nascent dispute. After three years of discussions, during which we repeatedly focused on the strength of the Maple Leafs' marks, the risk of confusion, and the practical reality of NHL's and Snoop Dogg's interest in continuing to work together, Snoop Dogg finally agreed to abandon the LEAFS BY SNOOP applications, in favor of proceeding simply under the trademark LBS. As a result, the NHL's oppositions to Snoop Dogg's various trademark applications were sustained with prejudice.

Domain Name Disputes

We have earned a reputation for being both “dedicated and experienced” and “an excellent IP firm packed with top-notch litigators.”

From the start of the commercial Internet, Debevoise has been a key advisor to clients worldwide on the development of their Internet strategy. From the protection of content and brands online, to defense against online counterfeiting, to the cutting-edge issues created by new gTLDs, Debevoise lawyers are at the forefront of advising clients on practical strategies for IP protection in the digital age.

When it comes to domain names, our experience with the Uniform Domain Name Dispute Resolution Policy is unmatched. Debevoise lawyers are intimately familiar with the UDRP because they consulted with WIPO on the development of the UDRP, and David Bernstein is one of the world’s leading UDRP panelists, having written hundreds of decisions that have shaped key aspects of domain name law. Drawing on this experience, the Group has recovered hundreds of cybersquatted domain names for its clients.

“You wouldn’t want to spill any blood in the water with these guys around. They are tough, efficient and highly effective trial lawyers.”



COUNCIL*on*
**FOREIGN
RELATIONS**

We represented the Council on Foreign Relations in a typosquatting case involving its flagship Foreign Affairs publication that stopped Iranian hackers from deceiving journalists with a spoofed email address.



We represented Kibar, a major Turkish conglomerate, and The Law Society of the United Kingdom in litigations in U.S. courts filed in an effort to block those brand owners from implementing their UDRP victories. In both cases, we quickly resolved the litigations and were successful in helping those clients recapture their eponymous domain names.



The Law Society



We represented the National Hockey League in a UDRP complaint against a cybersquatter that had posted a pornographic website at a domain name incorporating the Philadelphia Flyers trademark.



Debevoise assisted the Educational Broadcasting Corporation in research, drafting, and filing of Uniform Domain Name Dispute Resolution proceedings against cybersquatters who control domain names incorporating trademarks owned by WNET.



We successfully represented UNTUCKit in a Nominet proceeding and secured the domain name untuckit.uk.co from a cybersquatter attempting to extort UNTUCKit.



On behalf of our client Ambac, a provider of financial guarantees, we filed a UDRP proceeding and secured the transfer of a domain name from a cybersquatter that created a fraudulent website designed to obtain customers' financial information using Ambac's trademarks.



In addition to regularly working with our clients to combat domain name fraud and phishing attacks, we sought and won a preliminary injunction ordering turnover of two fraudulent domains imitating Debevoise under the Lanham Act's anti-cybersquatting provisions.

“The Preeminent” David Bernstein has “a larger-than-life reputation in this profession and he’s the real deal. He has an unmatched knowledge base, but also brings a ton of energy to his practice.”

Trade Secret Misappropriation

Our team, led by Jyotin Hamid and Jay Neukom, has extensive experience on both sides of disputes involving trade secrets, executive restrictive covenant agreements, and other legal issues. Jay Neukom is a top lawyer in California for trade secrets. We have been successful in both obtaining and defeating motions for temporary restraining orders and preliminary injunctions, as well as motions for expedited discovery aimed at quickly preventing the movement of key teams and business leaders and preserving confidential business information.

We also provide strategic advice to help clients in a broad range of industries protect their human capital, business relationships, confidential information and trade secrets. Our team works closely with the Employee Benefits & Executive Compensation Group to navigate group hires and to draft confidentiality, non-compete, non-solicit and employment agreements, and related employer policies aimed at securing confidential and proprietary information.

Jay Neukom named among the “Top Intellectual Property Lawyers” in California

—*Daily Journal*

Jyotin Hamid is “very reflective and responsive, a good listener, an excellent writer and good at interpreting what [clients] are trying to accomplish.”





BODYARMOR

On the eve of the preliminary injunction trial in a case alleging misappropriation of trade secrets, we settled claims on confidential terms on behalf of our clients, Body Armor and a sales executive employed at the company. The former employer of the sales executive, Keurig Dr Pepper Inc. (“KDP”) attempted to prevent the sales executive from working at Body Armor, claiming breach of contract, actual and threatened misappropriation of trade secrets under the Texas Uniform Trade Secrets Act, and violation of the federal Defend Trade Secrets Act.

THE CARLYLE GROUP

On behalf of Carlyle, we successfully defeated motions for a temporary restraining order and for a preliminary injunction, and we ultimately obtained dismissal of the complaint, in a case alleging that Carlyle launched a portfolio company based on a business plan “stolen” in violation of a nondisclosure agreement.

JAB

Debevoise currently represents a former senior leader at Mars, as well his new employer, JAB Holding LLC company and Pret Panera Holding Company, Inc. in a lawsuit filed by Mars alleging trade secret misappropriation and other claims. Mars alleges that before leaving, the former leader at Mars downloaded and retained Mars’s proprietary information and shared certain of those documents with a number of colleagues at Pret Panera and JAB. Mars also alleges that the former executive, through fraudulent requests for reimbursement, caused Mars to reimburse him for travel-related expenses he incurred in order to facilitate his transition to his new position at Pret Panera.

GRACE

Talent | Technology | Trust™

We represented W.R. Grace & Co. in trade secret litigation in federal court in Maryland. The client, W.R. Grace & Co and the counter-party, Vertellus Holdings, are both chemical companies.

Intellectual Property Transactions

“What we really like about Debevoise is that all the lawyers tend to be very commercial. They drive the corporate transaction by shaping the question and the dialogue.”

Our clients look to our Intellectual Property and Technology Transactions group, led by Henry Lebowitz, for our strategic and commercial approach to intellectual property, technology, data privacy and cybersecurity matters in corporate and commercial transactions. Our Intellectual Property and Technology Transactions lawyers have deep experience advising on a variety of corporate matters, including M&A, private equity, finance, capital markets, and restructuring, with particular expertise in structuring complex business carve-outs. Our team also has extensive experience in standalone transactions for the development, licensing, and commercial exploitation of intellectual property and technology.

Debevoise’s Intellectual Property and Technology Transactions lawyers are recognized for industry expertise and practical insights on intellectual property and technology transactions across a range of industries, including consumer products, financial services, healthcare and life sciences, media and telecommunications, and software and technology. Our teams work closely with our clients to help achieve our client’s objectives at all stages of transactions, from structuring and negotiation of deal documentation and commercial considerations through the practical steps of implementation and integration.

Our Intellectual Property and Technology Transactions lawyers collaborate with Debevoise’s Data Strategy & Security group to ensure that we are providing the firm’s clients with strategic advice on data privacy and cybersecurity issues arising in due diligence, preparing privacy policies, and drafting and negotiating data licenses and data protection provisions in commercial contracts.





We represented Kelso & Company and its portfolio company, Eagle Family Foods Group, in their acquisition of General Mills' Helper main meals and Suddenly Salad side dishes businesses, in a transaction valued at approximately \$610 million, advising on brand and other IP separation and licensing matters as well as transition services arrangements.



We represented Prudential in the sale of its retirement plan business to Empower for a value of \$3.55 billion. The IP and Technology Transactions team advised on separation and licensing of Prudential's software, technology, and other IP, and transitional service arrangements between Prudential and the divested business.



We represented Harvard Pilgrim in the renewal and renegotiation of its license with Harvard University covering its right to use the mark HARVARD as part of its name.

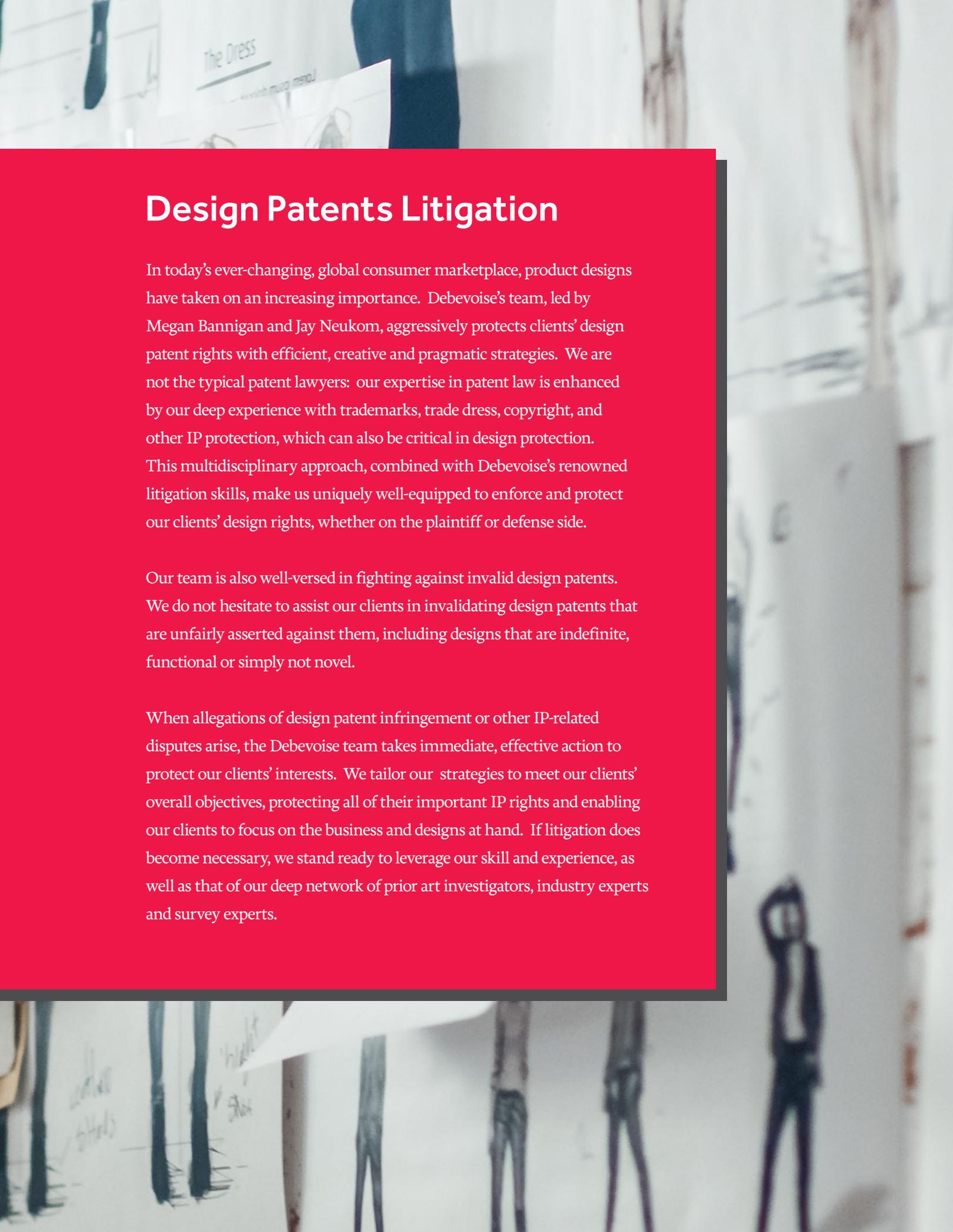


We advised Schneider Electric on the IP, data privacy and cybersecurity aspects of its acquisition of EnergySage, a leading renewable energy marketplace in the U.S.



We represented Sarah Thomas, the founder of the Colorado start-up company Healthyish Foods LLC, in a trademark dispute against mass media empire Condé Nast. Despite Ms. Thomas' federal trademark registration for HEALTHYISH, Condé Nast – through its Bon Appétit brand – launched its own Healthyish website, directly competing with Ms. Thomas's brand. After threat of litigation from Debevoise, the parties were able to negotiate a lucrative and innovative licensing deal for Ms. Thomas, which allows both brands to coexist, continue to grow and even partner together to give Ms. Thomas's brand access to and visibility within Bon Appétit's large and established customer base.

“I have never worked with better partners in my life. They are extremely responsive, extremely knowledgeable and able to see the big picture.”



Design Patents Litigation

In today's ever-changing, global consumer marketplace, product designs have taken on an increasing importance. Debevoise's team, led by Megan Bannigan and Jay Neukom, aggressively protects clients' design patent rights with efficient, creative and pragmatic strategies. We are not the typical patent lawyers: our expertise in patent law is enhanced by our deep experience with trademarks, trade dress, copyright, and other IP protection, which can also be critical in design protection. This multidisciplinary approach, combined with Debevoise's renowned litigation skills, make us uniquely well-equipped to enforce and protect our clients' design rights, whether on the plaintiff or defense side.

Our team is also well-versed in fighting against invalid design patents. We do not hesitate to assist our clients in invalidating design patents that are unfairly asserted against them, including designs that are indefinite, functional or simply not novel.

When allegations of design patent infringement or other IP-related disputes arise, the Debevoise team takes immediate, effective action to protect our clients' interests. We tailor our strategies to meet our clients' overall objectives, protecting all of their important IP rights and enabling our clients to focus on the business and designs at hand. If litigation does become necessary, we stand ready to leverage our skill and experience, as well as that of our deep network of prior art investigators, industry experts and survey experts.



We represented Clayton, Dubilier & Rice in a case filed by bridal designer Jenny Yoo in which claimed both David's Bridal and CD&R, a former investor in David's Bridal, infringed her design patent and trade dress rights in a convertible bridesmaids gown. After a strong showing by defendants at the patent claim construction hearing, where Debevoise succeeded in severely limiting Jenny Yoo's design experts testimony, CD&R was voluntarily dismissed from the case and David's Bridal and Jenny Yoo settled.

STEVE MADDEN

We represented Steve Madden in a case filed against Rothy's. After receiving a cease and desist from Rothy's, asserting that Steve Madden infringed its alleged patent rights and trade dress rights in a standard knitted, pointed-toe design for women's flats, Steve Madden filed this action seeking a declaration that Rothy's has no valid design patent or trade dress rights in the identified design and, even if it did, Steve Madden was not infringing those rights. Rothy's in turn filed counterclaims asserting infringement. Debevoise aggressively prosecuted Madden's claims, defended against the counterclaims, and the case was ultimately settled.

Megan Bannigan 'translates complex legal issues into clear pragmatic legal advice'.

Utility Patent Litigation

Our team, led by Jay Neukom and Barbara Barath, represents technology companies in competitor-on-competitor utility patent litigation across the US, usually with product launches or pulls hanging in the balance.

We have extensive experience representing technology companies in patent disputes against competitors in federal district courts (including in California, Texas and Delaware), before the US Court of Appeals for the Federal Circuit, before the US Patent Trial & Appeals Board, and at the US International Trade Commission. We furthermore have experience litigating utility patent issues and claims in domestic and international arbitration tribunals (pursuant to contractual agreements between the parties) and state courts (for patent ownership disputes).

We understand the intricacies of our clients' technologies across an unusually broad array of subject matter. We have litigated patents claiming semiconductor, network routing and switching hardware, LiDAR, network security, network traffic protocol, pharmaceutical and life sciences (including vaccines), I-o-T, solar, LED, oil recovery, roofing, Internet and "app" functionality, user interface, CAD, mobile device management, cellular, water filter, and photogrammetry technologies, among others.

Because our patent litigation practice is focused on direct-competitor disputes, we regularly litigate on both sides of the "v."—sometimes asserting our clients' patents against competitors while other times defending claims of patent infringement. We pride ourselves not just on strategic thinking, efficient staffing, and high-quality work on patent litigation matters, but also on achieving superb results.





FORTINET[®]

We are representing Fortinet in an ongoing competitor patent case regarding network security in the Northern District of California. The parties are asserting over ten patents against each other.

We are representing Fortinet in a case regarding packet switching technology in federal court in Delaware and Federal Circuit. Following oral argument by Jay Neukom, all asserted patents were invalidated at trial court. The case is awaiting appellate argument at the Federal Circuit, which Jay will handle.



We are representing GAF in a supplier patent case regarding roof underlayment technology in the District of New Jersey and before the Federal Circuit (which claims were previously pending in the International Trade Commission (ITC), PTAB and Northern District of Texas). We secured a total win at the ITC and recently invalidated all remaining asserted claims at PTAB. The case is currently going up on appeal to the Federal Circuit.

We are representing GAF in a patent case against Kirkland & Ellis and now Shearman & Sterling regarding roof-mapping software technology. The case was in the District of New Jersey, but was then transferred to the District of Utah.



ADVANTEST[®]

We are representing Advantest in asserting an assortment of claims (including over IP ownership) against Samer Kabbani (a former Advantest employee), AEM Singapore, and Lattice Innovation. While the arbitration is confidential, it is publicly known based on recent filings in California Superior Court regarding third-party subpoena issues.

Ongoing Representations



A team of Debevoise lawyers secured a stunning reversal for Grubhub by persuading an Illinois federal district judge to reject a Magistrate Judge's recommendation that proposed entering a preliminary injunction against Grubhub's logo, which consists of a knife and fork inside an orange house. Accepting Debevoise's arguments, the district court found that the logo is not likely to be confused with Kroger's Home Chef logo, which also consists of a knife and fork inside a house design, and it therefore rejected Kroger's motion for a preliminary injunction. Subsequently, the Debevoise team secured an important win on appeal for Grubhub, when the Seventh Circuit Court of Appeals unanimously affirmed the District Court's decision to deny Home Chef's motion for preliminary injunction.



In the latest legal chapter of this long-running dispute, Debevoise is representing Arcesium in a trade secret and breach of contract litigation dispute brought by SS&C Technologies Holdings, Inc. and its affiliate Advent Software. Arcesium has counterclaimed for breach of contract, unfair competition and tortious interference against SS&C as part of its vigorous defense against SS&C's meritless and anticompetitive claims.



Debevoise represents Rauch Industries, Inc. in connection with a lawsuit against Defendants Christopher Radko and Heart Artist LLC, involving rights to CHRISTOPHER RADKO trademarks for use in connection with Christmas ornaments. Although Mr. Radko sold his rights to the RADKO Marks to Rauch for millions of dollars, he continues to unlawfully trade on the goodwill of those trademarks. Rauch has alleged claims of breach of contract, trademark infringement, and trademark dilution based on Mr. Radko's pervasive use of the RADKO Marks in connection with his new, competing line of Christmas ornaments.

The Standard

We represent Standard International in a trademark litigation filed by real-estate developers JWR Holdings and Landmark Properties regarding Standard's newly announced STANDARD RESIDENCES condominium project in Miami. Debevoise has filed counterclaims against the developers, seeking, among other things, to cancel their STANDARD related-trademarks.



We represent MSCHF in the defense of trademark claims filed by Vans against MSCHF's Wavy Baby sneaker art. After the district court rejected MSCHF's defenses based on its right to artistic expression and entered a preliminary injunction against Wavy Baby, MSCHF filed an emergency appeal to the U.S. Court of Appeals for the Second Circuit. The Court of Appeals granted MSCHF's request for an expedited appeal, which was heard late last year; the Court has now indicated that it will reserve judgment pending the Supreme Court's decision in *Jack Daniel's v. VIP Products*, which raises parallel issues on the intersection of trademark law and the First Amendment.

StockX

Debevoise is defending online resale platform StockX in a lawsuit brought by Nike for trademark infringement, false advertising, and counterfeiting. StockX has developed a revolutionary new business model that allows consumers to buy and sell famous sneaker drops without ever taking possession. Instead, the sneakers are stored in StockX's vault and StockX issues a unique non-fungible token (NFT) to prove ownership of the sneaker. Nike objects to the use of its trademarks and sneaker images on the NFTs, and has alleged StockX is falsely suggesting that Nike is sponsoring or approving the sale of these NFTs.

R H O D E

After losing its bid to preliminarily enjoin celebrity Hailey Baldwin Bieber from launching her new skincare line with the same name, Rhode, a clothing and lifestyle brand, turned to Debevoise to turn the tide in this high-profile litigation. Debevoise has launched an aggressive and vigorous prosecution of this case to protect this small, women-owned start-up from losing the goodwill and reputation it has worked so hard to build and consumers who are becoming increasingly confused between the two brands.

Ongoing Representations (cont.)

SPACEX

We represent SpaceX in opposing Subaru of America's petition to cancel SpaceX's STARLINK trademark registrations. SpaceX is a cutting edge aerospace company that provides broadband satellite internet service under the STARLINK mark. Subaru uses its STARLINK mark for an interactive user interface in its cars. Debevoise's representation of SpaceX in this matter will address important distinctions in emerging technology, and will ensure that SpaceX can continue to use its mark as it delivers high-speed broadband internet to locations where access has been unreliable or completely unavailable.

Snap Inc.

We represent Snap, Inc. in a federal district court appeal of the U.S. Trademark Office's refusal to register the SPECTACLES trademark for Snap's brand of wearable "smart glasses" on the ground that SPECTACLES is a generic term. The appeal argues that SPECTACLES is a brand name for the smart glasses that Snap sells, not a generic term that consumers understand as the name of a product that allows users to take pictures and experience augmented reality.



In what is one of the world's longest-running trademark disputes, Debevoise represents the owners of the internationally-famous rum brand, HAVANA CLUB, in a dispute pending for more than 20 years over ownership of the HAVANA CLUB trademark in the United States.



In a multijurisdictional dispute pending in more than ten jurisdictions, we represent Merck KGaA, Darmstadt, Germany in a trademark, false advertising, cybersquatting, and breach of contract dispute against Merck & Co. involving the use of the name Merck.

BANK OF AMERICA

We are defending Bank of America in a challenge to its ownership and use of the trademark ERICA for its new virtual financial assistant brought by a former candidate for governor in Colorado who claims to own the trademark E.R.I.C.A for an avatar. After successfully beating back a motion for a preliminary injunction, we won summary judgment cancelling plaintiffs' Georgia trademark registration and finding that plaintiffs owned no common law rights in ERICA. The U.S. Court of Appeals for the Tenth Circuit affirmed summary judgment in favor of Bank of America on most grounds, and remanded for the district court to apply the correct legal standard on one narrow point. The district court once again granted summary judgment after applying the Tenth Circuit's standard. The plaintiffs have filed another appeal to the Tenth Circuit.

midcap FINANCIAL

We secured dismissal of a trademark infringement lawsuit for our client, MidCap Financial Services, a portfolio company of Apollo Global Management, in a trademark infringement lawsuit filed by MidCap Business Credit. The Second Circuit affirmed the key dismissal with respect to the word MIDCAP and remanded one issue for the district court to address, which resulted in a final dismissal of the case by the district court.

FRONTIER

We represent Frontier in a series of advertising disputes before the National Advertising Division (NAD) and the National Advertising Review Board (NARB), the advertising industry's self-regulation forum for advertising disputes. After successfully defeating a number of advertising challenges brought by Charter in the NAD related to Frontier's 100% fiber network and prevailing in challenging Charter's deceptive advertisements touting Spectrum's superior speed, we are now defending that victory before the NARB.

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Megan Bannigan

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Megan K. Bannigan is a partner in the Intellectual Property Group, representing clients across a range of industries in trademark, copyright, false advertising, rights of publicity, design patents, licensing and other contract disputes and related matters. Ms. Bannigan has extensive trial experience, helping to secure an over \$20 million jury verdict for client Learning Annex in the United States District Court for the Southern District of New York, among other trial victories. She also has experience representing clients before the United States Patent and Trademark Office, the Trademark Trial and Appeal Board and the International Trade Commission. Recognized by *Chambers*, *The Legal 500*, *Managing Intellectual Property's IP STARS*, *The World Trademark Review* and named a Rising Star by *Law360*, Ms. Bannigan also regularly writes and speaks on intellectual property-related issues and is an adjunct professor of Fashion Law and other classes.



David Bernstein

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David Bernstein chairs Debevoise's Intellectual Property Group and has broad experience in all aspects of intellectual property, including trademarks, copyrights, false advertising, rights of publicity, and domain names. He is widely recognized as one of the nation's leading intellectual property litigators. Mr. Bernstein is acknowledged as an intellectual property "Star" in the *IFLR Benchmark Litigation Guide* and as an Intellectual Property "Trailblazer" and "Pioneer" by the *National Law Journal*. He is ranked in the top tier by *Chambers Global* and *Chambers USA*, which notes that he is a "rockstar" and "is roundly considered to be one of the finest trademark litigators in the nation" and where clients note he is "an exceptional, dynamic lawyer and a tenacious litigator" and "just incredible in terms of strategic planning," and *The Legal 500 US*, where he is seen as "a brilliant litigator," and "the dean of the IP litigation bar."



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Jyotin Hamid, a partner in the New York office, is a seasoned litigator with extensive courtroom experience. He is also deeply involved in Debevoise's market-leading intellectual property practice, having litigated trademark and trade dress cases involving some of the most well-known brands in the world. In addition to intellectual property, he handles a diverse array of other complex litigation matters, with particular focus on employment litigation. In the employment area, he has successfully handled numerous discrimination, whistleblower, contract, compensation and corporate raiding litigations involving high-level executives in a broad range of industries.



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Lindsay Cooper Hayman is a litigation partner and a member of the firm's Intellectual Property Litigation Group. Her practice focuses on supporting established and emerging technology companies in their most important business disputes, with an emphasis on high-stakes, complex intellectual property and commercial litigation. She has litigated some of the most significant intellectual property cases of the past decade, including disputes for Google against Apple, Uber and Sonos. She was selected as a "Lawyer on the Fast Track" by *The Recorder*, an award that recognizes lawyers in California under age 40 who are considered to be the next generation of legal leaders. Ms. Cooper Hayman has extensive trial experience in state and federal courts around the country, including cases involving patent infringement, trade secret misappropriation, trademark and trade dress infringement, breach of contract, fraud, unfair competition, and employment law. Her work spans many industries, including technology, telecommunications, e-commerce and finance.



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Henry Lebowitz is a corporate partner and a member of the Intellectual Property and Technology Transactions Group, focusing on leading the IP and technology aspects of mergers and acquisitions, financings, capital markets and other corporate transactions. Mr. Lebowitz has advised companies on complex transactions, litigation, portfolio development and other IP matters in an array of industries. He also regularly assists clients in evaluating patents, trademarks and other intellectual property, developing effective IP portfolios, assessing the merits of IP-related litigation and other disputes and implementing strategies to avoid or favorably resolve such disputes.



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John (Jay) Neukom is a litigation partner and a member of the firm's Intellectual Property Litigation Group. He is veteran trial lawyer with extensive experience advising major Bay Area companies on complex business and intellectual property disputes, including trade secret misappropriation, patent and copyright infringement matters. Mr. Neukom has served as lead counsel for a broad range of Fortune 500 technology companies in high-stakes matters focused on intellectual property, contract and competition issues. He possesses broad expertise in the technology sector with deep subject matter knowledge in a range of areas including semiconductors, network security, software and the Internet of Things. He has litigated over 100 intellectual property disputes and chaired jury and bench trials in state and federal courts across the U.S., as well as successfully argued before various domestic and international arbitration tribunals, and the International Trade Commission.



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Jim Pastore is a litigation partner and a member of the firm's Data Strategy & Security practice and Intellectual Property Group. His practice focuses on privacy and cybersecurity issues. Prior to rejoining Debevoise in 2014 as counsel, Mr. Pastore served for five years as an Assistant United States Attorney in the Southern District of New York. While he was with the Criminal Division of the U.S. Attorney's Office, Mr. Pastore spent most of his time as a prosecutor with the Complex Frauds Unit and Computer Hacking and Intellectual Property Section.



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Paul Rubin is a corporate partner representing FDA-regulated drug, device and consumer product companies on a wide range of issues ranging from strategic regulatory counseling to complex compliance and enforcement matters. Mr. Rubin has substantial experience helping clients navigate complex advertising and promotion-related issues including FTC investigations, disputes before the National Advertising Division of the Better Business Bureau (NAD) and advertising lawsuits under Section 43(a) of the Lanham Act.



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Michael Schaper is a litigation partner whose practice focuses on intellectual property and antitrust law, among other areas of complex civil litigation. Mr. Schaper regularly speaks on legal issues involving intellectual property and was former co-chair of PLI's annual Hot Topics in Advertising Law conference. He has also taught at the Institute for Perception's Advertising Claims Support course.

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Abraham Tabaie is a litigation partner and member of the firm's Commercial Litigation Group based in San Francisco. His practice focuses on large-scale commercial business litigation, often involving trade secret misappropriation, false advertising, breach-of-contract, breach of fiduciary duty, hacking, data privacy, debt collection, and unfair competition claims. Mr. Tabaie has represented clients across a broad range of industries including technology, real estate, venture fund, private equity, manufacturing, and financial services at both the federal and state levels, as well as in private arbitration. He has also achieved considerable success for his clients in plaintiff-side commercial litigation.



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Barbara Barath is a litigation counsel based in the San Francisco office and a member of the firm's Intellectual Property Litigation Group, who helps lead the firm's technology litigation practice in the Bay Area, with a special focus on companies seeking to safeguard proprietary technologies. Ms. Barath is a seasoned intellectual property litigator and experienced trial lawyer who has represented clients in a range of patent, trade secret, copyright, and trademark disputes involving various technologies, including semiconductors, computer-aided drafting (CAD) software, mobile device user interfaces, mobile device management, and other niche software. She has led the case strategy for numerous notable IP disputes, including for Fortune 500 and multinational technology clients.



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Christopher S. Ford is counsel in the firm's Intellectual Property and Data Strategy & Security groups. His practice focuses on trademark, cybersecurity, and data privacy issues. He has represented clients in trademark and trade dress cases in federal court and before the Trademark Trial and Appeals Board ("TTAB"). His practice also regularly involves counselling clients on trademark applications to the PTO, as well as litigating opposition and cancellation proceedings. Mr. Ford is a member of the International Trademark Association's Non-Traditional Marks committee, and the chair of its U.S. Litigation task force. He is designated a Rising Star by *The Legal 500*. He has guest lectured on trademark and trade dress issues at New York University School of Law and Rutgers School of Law.



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Caroline Geiger is a corporate counsel and co-head of the firm's Intellectual Property and Technology Transactions Group. Her practice focuses on leading the IP and technology aspects of corporate transactions and advising clients on standalone transactions involving intellectual property or technology assets. She has extensive experience in structuring and negotiating intellectual property and technology aspects of complex business carve-outs across a wide range of industries, and drafting and negotiating intellectual property and software licensing arrangements and commercial agreements for services, supply, and distribution arrangements and collaboration and development deals. Ms. Geiger joined Debevoise in 2021. Prior to joining the firm, Ms. Geiger was a counsel at another international law firm. She has also served as in-house IP and technology counsel at a Fortune 100 company, where she focused on corporate transactions, business unit and asset divestitures, and new business ventures.



Jared Kagan

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Jared Kagan is counsel in the firm's Intellectual Property group. His practice includes litigation and counselling on trademark, false advertising, copyright, and defamation matters, and he has litigated cases in state and federal courts, before the Trademark Trial and Appeal Board and before the National Advertising Division of the BBB National Programs. His recent representations have included a victory before the U.S. Supreme Court in *USPTO v. Booking.com B.V.*, a victory for Costco before the Second Circuit in the Tiffany counterfeiting case, and obtaining summary judgment for Bank of America in the Erica trademark case. *The Legal 500 US* recognizes Mr. Kagan for his trademark litigation work, describing him as "outstanding," he is designated a Rising Star by *Managing IP's IP Stars*, and as Up and Coming by *Chambers*. Mr. Kagan is a member of the Sports Law Committee and is co-chair of the Trademarks and Unfair Competition Committee of the New York City Bar Association.



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Tigist Kassahun is a corporate counsel in the Intellectual Property and Technology Transactions Group, as well as a frequent collaborator with the firm's Data Strategy & Security practice. Ms. Kassahun is experienced in leading intellectual property and technology transactions and advising clients on related matters, including intellectual property protection, data privacy and cybersecurity. She regularly represents a broad range of clients across the technology, financial services, arts, telecommunications, private equity, entertainment, healthcare and insurance industries.



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Saurabh Prabhakar is a litigation counsel and a member of the firm's Intellectual Property Litigation Group. His practice includes trade secrets, patents, antitrust, copyright matters in a wide array of technology areas, including semiconductor design and manufacturing, cloud computing, automotive, consumer electronics, software design and architecture, telecommunications and networking, medical robotics and devices, and web 2.0. He is an experienced software developer with extensive work experience in the Electronic Design Automation industry.

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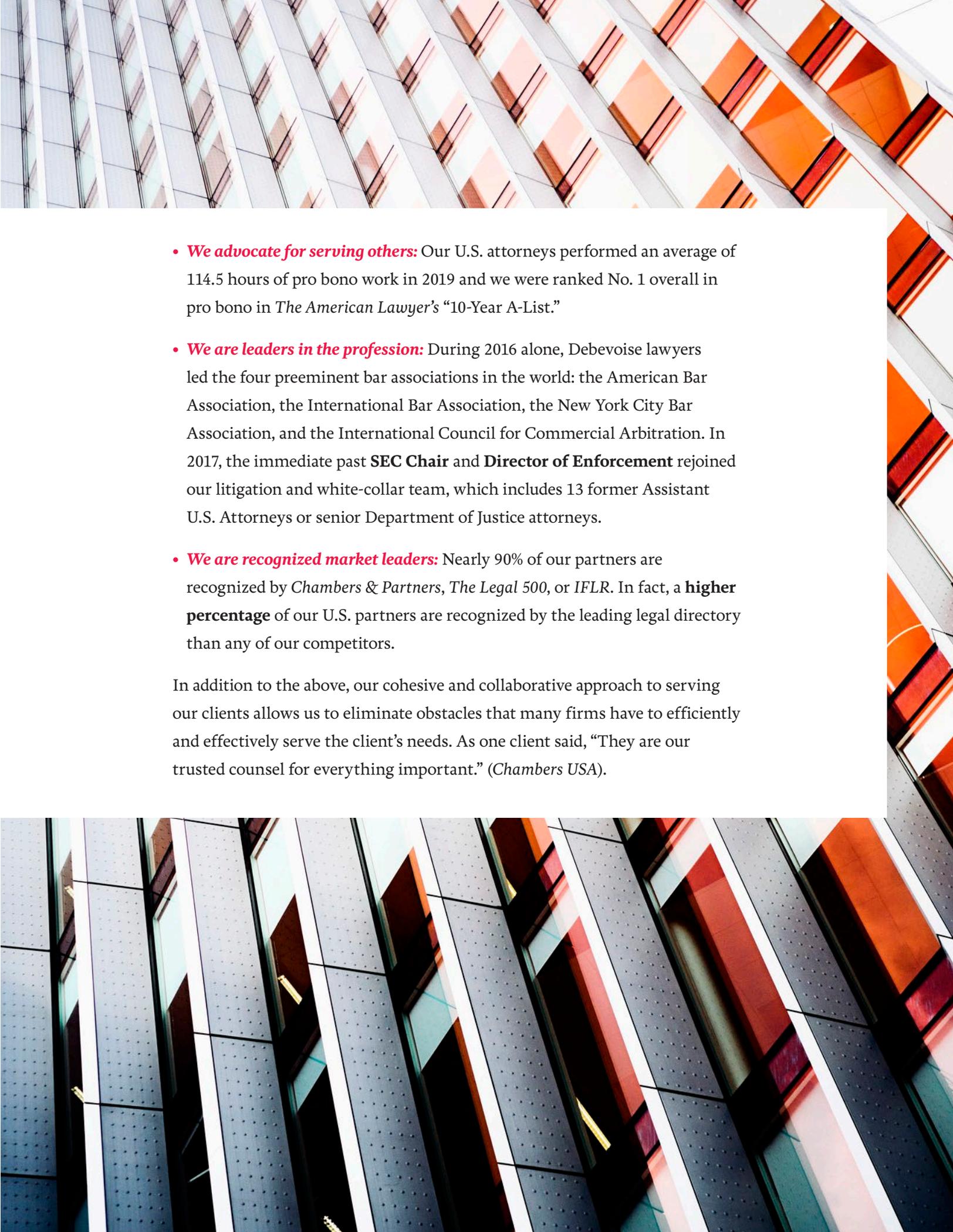
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About Debevoise & Plimpton

Debevoise is a premier law firm with market-leading practices and a global perspective. Approximately 800 lawyers work in nine offices across three continents, within integrated global practices, serving clients around the world. Our clients include domestic and multinational enterprises in almost every industry. They look to us to bring a distinctively high degree of quality, intensity, and creativity to provide effective, pragmatic, and cost-efficient legal advice. Deep partner commitment, industry expertise, and a strategic approach enable us to bring clear commercial judgment to every matter.

Some examples of how working with our community of engaging, intense, and creative lawyers would differ to others are set out below:

- ***We put our clients first:*** We place a high value on character and diverse interests and draw on the strength of our collaborative culture—across disciplines and regions—to deliver the best of our firm to every client. As a result, clients benefit from the dedication, cohesiveness, and superior quality that we bring to all of our work worldwide.
- ***We are committed to diversity and inclusion:*** We are recognized as one of the leading firms for diversity, and are proud to be a founding member of *Catalyst CEO Champions for Change*, a transformational diversity and inclusion initiative to recognize and celebrate leaders who support and drive diversity and inclusion within their organizations. We have also earned a reputation for the strength of our women lawyers and the development of several generations of women leaders at the firm. 38% of Debevoise lawyers promoted to partner since 2008 have been women.

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- **We advocate for serving others:** Our U.S. attorneys performed an average of 114.5 hours of pro bono work in 2019 and we were ranked No. 1 overall in pro bono in *The American Lawyer's* “10-Year A-List.”
 - **We are leaders in the profession:** During 2016 alone, Debevoise lawyers led the four preeminent bar associations in the world: the American Bar Association, the International Bar Association, the New York City Bar Association, and the International Council for Commercial Arbitration. In 2017, the immediate past **SEC Chair** and **Director of Enforcement** rejoined our litigation and white-collar team, which includes 13 former Assistant U.S. Attorneys or senior Department of Justice attorneys.
 - **We are recognized market leaders:** Nearly 90% of our partners are recognized by *Chambers & Partners*, *The Legal 500*, or *IFLR*. In fact, a **higher percentage** of our U.S. partners are recognized by the leading legal directory than any of our competitors.

In addition to the above, our cohesive and collaborative approach to serving our clients allows us to eliminate obstacles that many firms have to efficiently and effectively serve the client’s needs. As one client said, “They are our trusted counsel for everything important.” (*Chambers USA*).

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