
Our Intellectual Property Practice

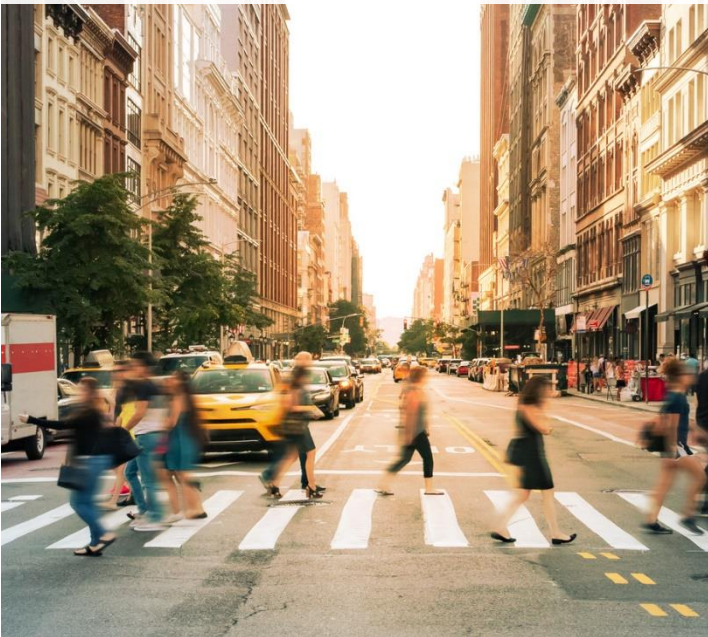


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A Formidable Presence in Intellectual Property

**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, trade secrets, 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, filing amicus briefs in leading cases, 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, charitable services, cybersecurity, entertainment, fashion, financial services, food and beverage, gambling, healthcare, insurance, Internet, law firms, 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.

Select Practice Accolades



Named an
**Intellectual Property
Practice Group
of the Year 2022**



Named the
**Intellectual Property
Law Firm of the Year**



Ranked as a Tier 1 firm for
Trademark Disputes
and a leading firm
for **Copyright**



Ranked as a
Gold Tier firm
in New York
and Nationwide
for **Trademarks**



Ranked as a
leading firm for
**Advertising:
Litigation, Nationwide**



Named the
**Firm of the Year –
Trademarks Disputes**
Award for 2024



Ranked as a
Band 1 firm for
**Trademark, Copyright
& Trade Secrets**
in New York



Ranked in the top tier for
Trademarks: Litigation
and **Advertising and
Marketing: Litigation**

Trademark & Unfair Competition

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 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.

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“The brightest IP minds around. They will run circles against any other team on trademarks.”

The Legal 500 US, 2023



“The firm’s reputation in the courtroom has been built by David Bernstein, indisputably one of the very best trademark lawyers in the country.”

World Trademark Review, 2023



Select Representations

Trademark & Unfair Competition

Booking.com

Booking.com NV in its U.S. Supreme Court case – the first ever case argued by telephone in the Supreme Court – where the Court ruled 8-1 that Booking.com NV's eponymous domain name is not generic and could be registered as a trademark.

BANK OF AMERICA

Bank of America in defending a challenge to its ownership and use of the trademark ERICA for its virtual financial assistant in federal court in Denver and then before the U.S. Court of Appeals for the Tenth Circuit.

Snap Inc.

Snap Inc in a victory at trial in Los Angeles, obtaining reversal of the USPTO's refusal to register SPECTACLES trademark for Snap's brand of wearable "smart glasses" on the grounds that SPECTACLES is a generic term.

wex™

WEX in winning a preliminary injunction in Portland, Maine against HP's use of "HP WEX" on its new software platform.



Yves Saint Laurent in defeating a motion for a preliminary injunction brought by Christian Louboutin over YSL's red-soled shoes and preserving that victory on appeal in the U.S. Court of Appeals for the Second Circuit



GrubHub, in persuading a Chicago district judge to reject the magistrate judge's recommendation that a preliminary injunction be entered against Grubhub's use of its house and cutlery logo, and then obtaining affirmance in the U.S. Court of Appeals for the Seventh Circuit.



Casa Azul Spirits, in defeating a motion for a preliminary injunction and then obtaining a complete victory at trial in Houston in against claims that CASA AZUL tequila and tequila soda infringed the trademark of the luxury tequila brand CLASE AZUL



Oliver Thomas in a complete victory at trial in New York defeating luxury handbag company MZ Wallace's trade dress infringement claims involving a quilted handbag design.

Copyright

Our copyright practice, led by Megan Bannigan, spans our litigation, 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 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.



“Megan [Bannigan] is an extremely sophisticated lawyer who leaves no stone unturned when it comes to getting the commercial results you need, either through litigation or negotiation.”

Chambers USA, 2023



“Debevoise’s experience is vast and top notch and their resources are cutting edge.”

The Legal 500 US, 2023

Select Representations

Copyright



Disney, NBC Universal, CBS Broadcasting and other broadcasters in copyright litigation, including in the U.S. Supreme Court, challenging Aereo's sale of access to mini-antennas as a mechanism for instantly streaming broadcast television programs over the internet.



Extreme Networks in a source code dispute implicating Extreme's three different product lines and hundreds of millions of dollars in federal court in Tennessee. SNMP is alleging that Extreme Networks is improperly including SNMP source code in its products.



Costco Wholesale in its appeal to the U.S. Court of Appeals for the Ninth Circuit relating to copyright misuse in connection with the sale of gray market Omega watches at Costco stores.

PRADA

Prada in defending against baseless copyright infringement claims related to Prada's use of its iconic Robot design in its gold jewelry and its use of Hawaiian shirt designs in its clothing collection

JUDD

Judd Foundation in a high-profile lawsuit against Kim Kardashian and Clements Design in Los Angeles federal court regarding knockoff Donald Judd tables and chairs.

Trade Secret Misappropriation



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

Chambers USA, 2024



Jay Neukom was named among the “Top Intellectual Property Lawyers” and “Top Trade Secrets Lawyers” in California.

The Daily Journal, 2023

Our team, led by Jay Neukom and Jyotin Hamid, has extensive experience on both sides of disputes involving trade secrets, executive restrictive covenant agreements, and other legal issues.

We have been successful in both obtaining and defeating motions for temporary restraining orders and preliminary injunctions, as well as motions for expedited discovery in “employee mobility” disputes.

Jay Neukom is a top lawyer in California for trade secrets. We have been successful in obtaining 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, including Jyotin Hamid, 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.

Select Representations

Trade Secret Misappropriation

BODYARMOR

Bodyarmor in a case in Wilmington alleging misappropriation of trade secrets, where we settled claims on confidential terms on behalf of our clients, Body Armor and a sales executive.

THE CARLYLE GROUP

Carlyle in defeating applications for a TRO and a preliminary injunction and obtaining dismissal of underlying claims based on alleged breach of an NDA and misappropriation of a business concept.

JAB

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 in Texas by Mars alleging trade secret misappropriation.

GRACE Talent | Technology | Trust™

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

GAF

GAF Energy in a trade secret misappropriation case brought by Sunpower Corporation. We were hired after prior counsel lost a TRO and thereafter prevailed in defeating the subsequent preliminary injunction motion.

Arcesium

Arcesium, a fintech company, in a trade secret and breach-of-contract litigation dispute brought by SS&C Technologies Holdings, Inc. and its affiliate Advent Software in the Southern District of New York.

StoneX®

StoneX Group and StoneX Financial in defense of a trade secret misappropriation, fraud and breach-of-contract action in California Superior Court.

MICROCHIP

Microchip in a licensing dispute against a licensee. The matter involved identifying the Microchip trade secrets that the license continued to use in its semiconductor products.

Utility Patent Litigation

Our team, led by Jay Neukom and Lindsay Cooper Hayman, represents technology companies in competitor-on-competitor utility patent litigation across the U.S., 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.



Jay Neukom is recognized as a leading patent litigator in California.

Intellectual Asset Management, 2023



Lindsay Cooper Hayman was named to *The Daily Journal's* Top 40 Under 40 2024.

Select Representations

Utility Patent Litigation



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.



Spirit Airlines in a patent infringement litigation in the U.S. District Court for the Eastern District of New York.



GAF Materials in a total win at the International Trade Commission and recently invalidated all remaining asserted claims before the Patent Trial and Appeal Board.



Microchip in a patent infringement matter against Aptiv regarding CarPlay and USB technology. The case is pending in the Northern District of California.



Advantest in a major win in a California arbitration against AEM Holdings, who had to pay \$20 million to Advantest and terminate any exclusivity provisions that previously blocked Advantest from working directly with a sub-supplier.



Fortinet in a complete win by successfully arguing before the Federal Circuit that a family of data compression patents asserted by patent troll Realtime against Fortinet and nearly a dozen other defendants is invalid.

Design Patent Litigation



Debevoise’s team, led by Jay Neukom, Lindsay Cooper Hayman and Megan Bannigan aggressively protects clients’ design patent rights with efficient, creative and pragmatic strategies.

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“No other firm can beat their innovative strategy, top notch legal analysis, and phenomenal litigation skills.”

The Legal 500 US, 2023

“Debevoise is a top-notch practice.”

Chambers USA, 2023



In today’s ever-changing, global consumer marketplace, product designs have taken on an increasing importance. 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.

Select Representations

Design Patents Litigation



Clayton, Dubilier & Rice in a case filed by bridal designer Jenny Yoo that 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 bridesmaid gown.

STEVE MADDEN

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 Steve Madden was not infringing those rights.

dolce vita

Dolce Vita in a matter where Skechers has alleged that a line of sneakers released by Dolce Vita infringed its trademark and design patent rights based on Skechers' claim that the Dolce Vita sneaker's curving-line design is confusingly similar to Skechers' family of "S" trademarks.



A major US fashion house in pre-litigation design patent disputes where we were able to avoid litigation

Advertising & Healthcare



“Top-class practice with a sophisticated focus on the most complex copyright, trademark and false advertising matters.”

Chambers Global, 2023



Led by David Bernstein, Paul Rubin and Jared Kagan, our team of advertising lawyers has decades of experience handling every part of advertising campaigns.

From designing substantiation studies and vetting advertising copy to defending ads before regulators and 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 obtained and defeated 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.

The Debevoise Healthcare & Life Sciences Group, including Paul Rubin, employs a highly coordinated, multidisciplinary approach to address transactional, litigation and intellectual property matters for leading healthcare & life sciences companies and for private equity firms investing in the industry.

Select Representations

Advertising & Healthcare



Frontier Communications in a successful defense before the National Advertising Division (“NAD”) regarding Frontier’s right to advertise its new fiber offering, and in a counterchallenge against Charter, alleging that Charter’s superiority claims were deceptive.



Italic, Inc., a manufacturer of unbranded luxury products that compete with luxury brand name products, from false advertising claims filed by Alo in federal court in Los Angeles related to Italic’s comparative advertising.



American Express in advertising disputes against its major competitors (including Visa and MasterCard) and other parties that issue credit cards. We forced the abandonment of claims that exaggerated the benefits of other cards, and have defended ads touting the superiority of American Express services.



Novartis in a precedent-setting advertising dispute in Newark, and before the U.S. Court of Appeals for the Third Circuit, that created new law on the substantiation of advertising claims in a case against Mylanta NightTime.



Foundation Medicine Inc., a leading cancer diagnostic company, in litigation in federal court in San Francisco in critical false advertising litigation against Guardian Health, a competitor in the space.



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.”



H&R Block in connection with false advertising claims and counterclaims against Intuit in federal court in San Jose over the parties’ advertising for their respective online tax preparation services.



Unilever in false advertising claims and regulatory challenges against Just Mayo sandwich spread on the ground that the Just Mayo name is false because the product contains no eggs and therefore is not mayonnaise.

Entertainment, Media & Sports

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

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 clients include major sports leagues like the NFL and NBA, team owners, private equity funds, family offices, apparel companies, media companies, gaming organizations (including DraftKings), and other companies operating in this sector. Our work for these clients is broad and multi-disciplinary, involving many different practices across hundreds of matters ranging from mergers and acquisitions, intellectual property disputes, civil litigation, contract negotiation, data privacy and cybersecurity, and investigations.

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“The team is in a class of its own in the IP world.”

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

Chambers USA, 2023



Select Representations

Entertainment, Media & Sports



Take-Two Interactive Software in the dismissal of cases brought by Lindsay Lohan and by Karen Gravano concerning the alleged use of their likenesses in the Grand Theft Auto video game, including affirmation by the New York Court of Appeals.



National Football League in a major victory at the summary judgement stage in a case brought in Minnesota 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.



DraftKings in a high-profile, potentially precedent-setting right of publicity action against the Major League Baseball Players Inc. in Philadelphia involving use of baseball players images in DraftKings' Sportsbook and in newsworthy social media posts.



Fox Corporation in successfully defeating a preliminary injunction motion in a trademark and false advertising lawsuit in Los Angeles brought by the owners of the 1980s United States Football League against the league and team names of the new USFL.



NHL and the Toronto Maple Leafs in connection with a dispute in the U.S. Patent and Trademark Office with Snoop Dogg regarding his applications for the trademark "Leafs By Snoop" (using the same unusual spelling of "Leafs" that the Toronto Maples Leafs use) and an accompanying design mark resembling the Maple Leafs' design mark.



Sony Pictures Entertainment in a trademark/false advertising dispute in New York involving the battle scene between Spider-Man and the Green Goblin in the hit motion picture Spider-Man.

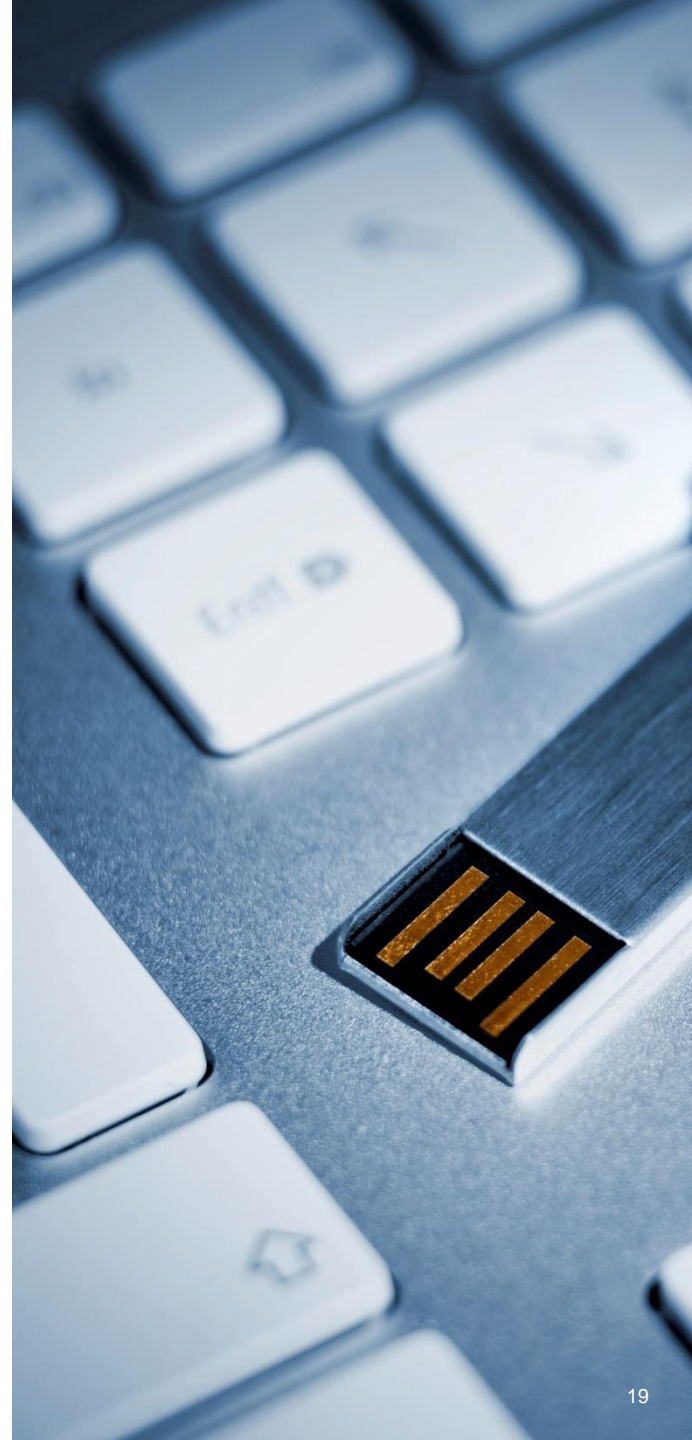
IP Lit in the Digital Age

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.

Megan Bannigan regularly advises and counsels clients on intellectual property rights and litigation risks related to AI and other emerging technologies, including pertaining to AI training data sets, models, and generated outputs. Ms. Bannigan is regularly asked to travel nationwide to speak on AI-related issues, including recently at the Financial Technology Forum in Fort Lauderdale, the MIT Generative AI Summit in Boston, the American Bar Association Annual meeting in Denver, the IP CLE National event in Aspen, and the PLI Advertising Conference in New York. She has also written several articles on AI-related topics, including most recently for *World Trademark Review* and the *California Daily Journal*, and is regularly asked by media publications to comment as an expert on AI-related stories.



Select Representations

IP Lit in the Digital Age

COUNCIL *on* FOREIGN RELATIONS

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.



The Law Society

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.



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.



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



Ambac, a provider of financial guarantees, in a UDRP proceeding where we 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. We also regularly use registrars' take down procedures to immediately disable domain names used for fraudulent schemes.

Intellectual Property Transactions

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.



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“This is the team you go to when you have the most complicated IP issues or a bet-the-company type of issue.”

The Legal 500 US, 2023

“They find the right balance in combining strategic legal advice with commercial risk assessment.”

Chambers USA, 2023



Select Representations

Intellectual Property Transactions



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.



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



Harvard Pilgrim Health Care

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.



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.



Sarah Thomas, the founder of **Healthyish Foods LLC**, in a trademark dispute against Condé Nast. Despite Ms. Thomas' federal trademark registration for HEALTHYISH, Condé Nast launched its own Healthyish website. 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.



EnthusiastGaming

Enthusiast Gaming in a dispute with Electronic Arts Inc. over the The Sims Resource website. Debevoise redrafted EA's proposed license agreement into a coexistence agreement to ensure the client retained strong rights in the fansite and could keep operating the fansite.

Additional Representations

Additional Representations



X Corp. in trademark infringement lawsuit brought by X Social Media LLC, a law firm advertising agency that uses the letter X in its logo, and by Multiply, an advertising agency, that also uses the letter X in its logo.



Costco Wholesale Corp. in its successful appeal to the U.S. Court of Appeals for the Second Circuit in overturning the lower court's summary judgment decision that Costco counterfeited and willfully infringed Tiffany & Co.'s TIFFANY trademark for diamond engagement rings.



El Ron de Cuba

Cubaexport in federal court in Washington, D.C. and Virginia through which Bacardi seeks cancellation of Cubaexport's HAVANA CLUB rum 50-year-old trademark registration.

The Standard

The Standard Hotel Group in defending a trademark suit by JWR Management regarding use of the Standard name on residential apartments and condos.

StockX

StockX in a dispute brought by Nike for alleged trademark infringement related to StockX's Vault Nike NFTs and allegations of trademark counterfeiting.

R H O D E

Rhode NYC, a clothing and lifestyle brand, in high-profile trademark litigation against Hailey Bieber's skincare line with the same name.

SPACEX

SpaceX in opposing Subaru of America's petition to cancel SpaceX's STARLINK trademark registrations.



Merck KGaA in trademark infringement, trademark dilution, cybersquatting, false advertising and breach of contract litigation against Merck & Co. in the U.S. and 12 other countries.

Additional Representations



Printify in two trademark litigations involving print-on-demand services brought by Atari and KAWS that were favorably settled for the client.



GSK in obtaining approval from the USPTO 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.



Mark Anthony Brands International, and Mas+ Next Generation Beverage Co. in seeking a declaratory judgment that the trade dress for their new hydration drink does not infringe the trade dress of Prime Hydration.



Rauch Industries in a trademark litigation against Christmas ornament designer Christopher Radko over his inappropriate use of his name in selling competing Christmas ornaments after having sold his company and trademark rights to Rauch.



Apollo Global Management and their portfolio company **MidCap Financial Services** in a trademark infringement lawsuit regarding alleged likelihood of confusion with a finance company called MidCap Business Credit. Discovery is currently stayed, as we won a motion for judgment on the pleadings

STEVE MADDEN

Steve Madden and its subsidiary **Dolce Vita** in a trademark and design patent case brought by Skechers in Los Angeles involving claims that the Dolce Vita sneakers' curving-line design is confusingly similar to Skechers' family of "S" trademarks.

Additional Representations

Advertising



Kate Spade, in winning a verdict at trial defeating Saturdays Surf NYC's trademark infringement challenge against the name of Kate Spade's new global lifestyle brand, Kate Spade Saturday.



Pernod Ricard, in obtaining dismissal of ownership claims filed by a Russian Federation entity related to the Stolichnaya trademark.



Glacéau, maker of **VitaminWater**, in prosecuting a TRO against PepsiCo over the trade dress of LifeWater.



Mike's Hard Lemonade in obtaining a TRO against the trade dress for Seagram's Ricked Spiked Lemonade.



Novartis in the successful defense against Schering-Plough's effort to obtain a TRO against Ex-Lax's packaging claim that the product had a "natural formula."



American Express in obtaining summary judgment ordering cancellation of an interloper's trademark registration for BlackCard.

Our Team

David H. Bernstein

Partner, New York & San Francisco



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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.”

Megan K. Bannigan

Partner, New York



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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. She regularly advises and counsels clients on intellectual property rights and litigation risks related to AI and other emerging technologies, including pertaining to AI training data sets, models, and generated outputs. 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.

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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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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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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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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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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

Michael Schaper

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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, who helps lead the firm’s technology litigation practice and is a member of the firm’s Intellectual Property Litigation Group. Ms. Barath is a seasoned intellectual property litigator and experienced trial lawyer. She 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. Ms. Barath is a member of the appellate team named by *Law.com* as a “Litigator of the Week Runner-Up” for its representation of Fortinet Inc.

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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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Christopher S. Ford, is a counsel in the Litigation Department who is a member of the firm’s Intellectual Property Litigation Group and Data Strategy & Security practice.

Mr. Ford has litigated trademark, trade dress, and false advertising cases in federal court and before the Trademark Trial and Appeals Board, and regularly advises clients on issues relating to their trademark and brand management. In 2022, Managing IP recognized him as a U.S. “rising star” for trademark work, and in 2023, *The Legal 500 US* recognized him as a “rising star” for trademark litigation. He was recognized as a “Lawyer on the Fast Track” in California by the *Recorder* in 2023.

Mr. Ford is a member of the International Trademark Association’s Non-Traditional Marks committee and has been the chair of its U.S. Litigation task force since 2020. He has guest lectured on trademark and trade dress issues at New York University School of Law and Rutgers School of Law. He also regularly advises clients in the technology and blockchain sectors on issues relating to their intellectual property rights, as well as other regulatory considerations. He has advised clients in the technology industry facing contentious trademark litigation, as well as investigations brought by the Federal Trade Commission and the Securities and Exchange Commission, among others.

Tigist Kassahun

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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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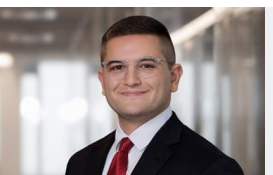
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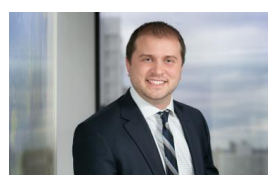
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About Debevoise & Plimpton

Debevoise is a premier law firm with market-leading practices and a global perspective. More than 900 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 differs from working with others include:

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 advocate for serving others:

In 2023, Debevoise lawyers in the U.S. provided over 99,000 hours of free legal services to individuals, nonprofit organizations and low-income entrepreneurs across more than 1,000 matters.

About Debevoise & Plimpton (continued)

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. 40% of Debevoise lawyers promoted to partner since 2008 have been women.

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 director 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*).

Thank You



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