

# SHEEHAN PHINNEY

## Intellectual Property Litigation

Technology and business leaders routinely turn to Sheehan Phinney's Intellectual Property Litigation Group to protect their intellectual property and technology rights. Our group has extensive experience enforcing our clients' interests in a variety of IP disciplines, including:

## Patent Litigation

In a high stakes patent litigation, the future of a company may lie in the balance. Clients rely on us to secure preliminary injunctions, declaratory and summary judgments, favorable results in *Markman* proceedings, advantageous settlements and appellate relief. We routinely work with clients to take cases from pre-suit investigations through discovery proceedings and trials. Our attorneys provide counsel on infringement, validity and patentability issues, and when necessary, litigate patents in federal district courts throughout the country. We also have substantial experience before the Federal Circuit, the International Trade Commission, the Patent Trial and Appeal Board, and the U.S. Court of Federal Claims.

## Copyright Litigation

Our copyright litigation practice helps clients protect the value of their copyrighted works, working proactively to resolve disputes when possible, but always vigorously enforcing our clients' copyrights and defending against infringement claims. Many copyright matters require immediate enforcement action, and our attorneys are experienced in pursuing temporary restraining orders or injunctive relief in these cases, while similarly knowing how to defend against such requests.

We have handled litigation involving a wide range of copyrighted works, including electronic databases, computer software, music and audio recordings, books, magazines, and other electronic and print publications.

## Trademark and False Advertising Litigation

We understand that protecting a client's brand and the reputation and image of its products or services is critical to our clients' success in today's competitive marketplace. We will always attempt to resolve acts of infringement proactively, but when a negotiated resolution is not possible, we vigorously represent our clients' intellectual property interests in trials in the federal and state systems, or in the arbitral forum. Trademark or false advertising disputes often require immediate action, and our team is well-experienced in pursuing the injunctive relief and temporary restraining orders necessary to protect our clients' rights. Our attorneys have a comprehensive understanding of the trademark law, including the Lanham Act; Federal Trade Commission Act; Food, Drug & Cosmetics Act; and state

## Members

- James P. Harris
- Robert R. Lucic
- Robert H. Miller
- Aaron D. Rosenberg
- Brian D. Thomas
- Steven M. Veenema

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unfair competition and consumer protection statutes. We also routinely represent clients in trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office. Our trademark clients cross a wide range of industries, from software and technology companies, to professional sports franchises; to energy providers.

## Trade Secret Litigation

Sheehan Phinney's Intellectual Property Litigation Group works closely with our clients, responding to the development of the case law in this area to help them better protect their confidential and proprietary information. We develop innovative plans tailored to individual clients to afford them better protection for their trade secrets, and we actively prosecute those who misappropriate our clients' trade secrets— whether it is customer lists and product designs or marketing plans and pricing information. *Sheehan Phinney* attorneys also defend companies and individuals against accusations of trade secret misappropriation.

Our attorneys have successfully represented clients in a variety of trade secret litigation involving:

- Misappropriation of trade secrets, or confidential information by former employees
- Fraud
- Employee solicitation
- Corporate espionage
- Breach of fiduciary duty

## Licensing and Internet Litigation

We handle disputes between licensors and licensees, including clickwrap, shrinkwrap, and standard IP licensing agreements, including franchise disputes. Our firm represents small startup companies and large corporations alike, providing guidance and support on a wide range of Internet-related legal topics, including Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings to protect our clients' trademarks against infringing domain names, cybersquatting actions, disputes over search engine keyword advertising and optimization, metatags, pop-up ads and other types of online piracy and infringement, online advertising, online defamation, data security and cyberbullying.

## Data Breach

Sheehan Phinney provides comprehensive advice to its clients to minimize the risk of a data breach including how to manage electronic data and implement recognized best practices. When a breach occurs, we efficiently

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and effectively handle all aspects of sending notifications to affected individuals across the country, regulators, and credit bureaus. Leveraging our Lex Mundi membership, we can also coordinate legal services around the globe, if affected individuals are located outside the United States. If claims arise from a breach, our litigation group adeptly and tactfully defends clients to protect them from liability. Sheehan Phinney is frequently appointed by clients' cyber insurance carriers to provide these and other services.