Our Intellectual Property Practice



Debevoise & Plimpton

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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 the **IP Team of the Year** at the 2026 Luxury Law Awards

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

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 2022 Law360 **IP Practice Group of the Year** and the Chambers **IP Law Firm of the Year**

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.



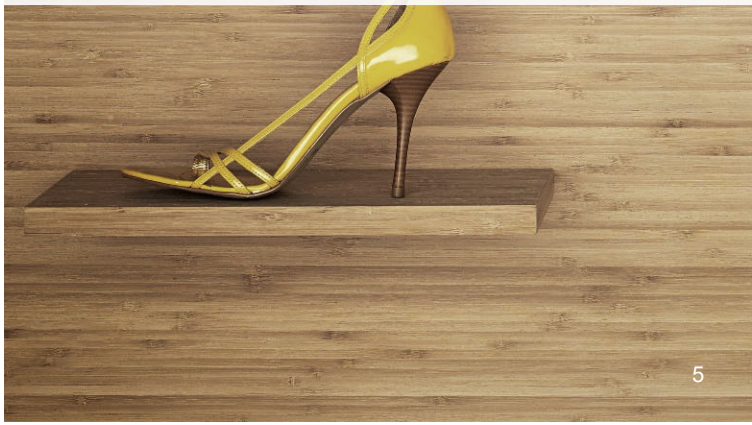
“The brightest IP minds around. They will run circles against any other team on trademarks.”

The Legal 500 US



“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



Select Representations

Trademark & Unfair Competition

Novartis in securing a preliminary injunction against MSN Laboratories Private Limited, MSN Pharmaceuticals Inc., and Novadoz Pharmaceuticals LLC that prohibits MSN from launching a generic version of Novartis's blockbuster ENTRESTO® heart failure treatment.

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

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 obtaining a complete victory at trial in Houston 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.





Clients have said of Megan Bannigan that she "is a true professional who understands the merits of a case and ensures you are well prepared to defend and win based on the strong legal positioning she lays out."

Chambers USA

"

The firm's responsiveness, attention to detail and ability to anticipate challenges make them feel less like outside counsel and more like trusted partners."

Chambers USA



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 miniantennas as a mechanism for instantly streaming broadcast television programs over the internet.



A **major SaaS platform** in a confidential copyright dispute involving unauthorized use of proprietary materials as AI training data.

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 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.



A **fine jewelry company**, in copyright claims over the design of a ring.



A **major U.S. fashion house** and a **major U.K. beauty brand** in several confidential trademark, trade dress and copyright matters.

Steve Madden in a global dispute with GANNI A/S, a Danish fashion company, over certain of Steve Madden's shoe designs that GANNI alleged violated its worldwide intellectual property rights.

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 and infringement of the copyrights of Judd photos.

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



Our team, led by Jyotin Hamid and Josh Lerner, has extensive experience representing clients on both sides of complex disputes involving trade secrets, executive restrictive covenant agreements, and other related 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. We have also 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.

Our experience also extends to high-stakes trade secrets disputes involving technology and life sciences companies. Josh Lerner, a seasoned trial lawyer based in San Francisco, has served as lead counsel in significant trade secrets cases, including matters involving temporary restraining orders and preliminary injunctions on expedited timelines.

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.

Select Representations

Trade Secret Misappropriation

StoneX Group and **StoneX Financial** in defense of a trade secret misappropriation, fraud and breach of contract action.

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.

A former senior leader at Mars, as well as 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.

Guzik Technical Enterprises in a trade secret misappropriation, unjust enrichment, fraud, and breach of fiduciary duty case against Keysight Technologies.

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.

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.

Design & Utility Patent Litigation



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

The Legal 500 US

"The firm combines deep technical expertise with a clear understanding of business priorities, allowing them to manage sensitive and high-stakes issues with precision and efficiency."

Chambers USA



Lindsay Cooper Hayman was recognized as a Woman Leader in Tech Law by *The Recorder* in 2026.

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

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, makes 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.

Our team also represents technology companies in competitor-on-competitor utility patent litigation across the U.S., usually with product launches or pulls hanging in the balance.

Select Representations

Design & Utility Patent 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 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 that Steve Madden was not infringing those rights.

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

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

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

Advertising & Healthcare



"Debevoise & Plimpton's reputation proceeds itself, especially for companies facing **bet-the-company litigation**. The firm delivers. Debevoise stands out against others in the industry due to the breath of its Lanham Act practice, the deep knowledge of the ins and outs of false advertising and especially false-advertising class actions, and the strategic, out-of-the-box thinking of its attorneys."

The Legal 500



Led by David Bernstein and Paul Rubin, 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 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



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

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

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.

StockX

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

KIND

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

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.

Select Representations

Healthcare



A global eye health company in an advertising challenge by a competitor regarding their brands of eye drops.



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.



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.



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.



Trajector Medical in winning two successful motions to dismiss in a false advertising class action lawsuit in Florida and obtaining partial dismissal of the Third Amended Complaint, including a per se FDUTPA claim.



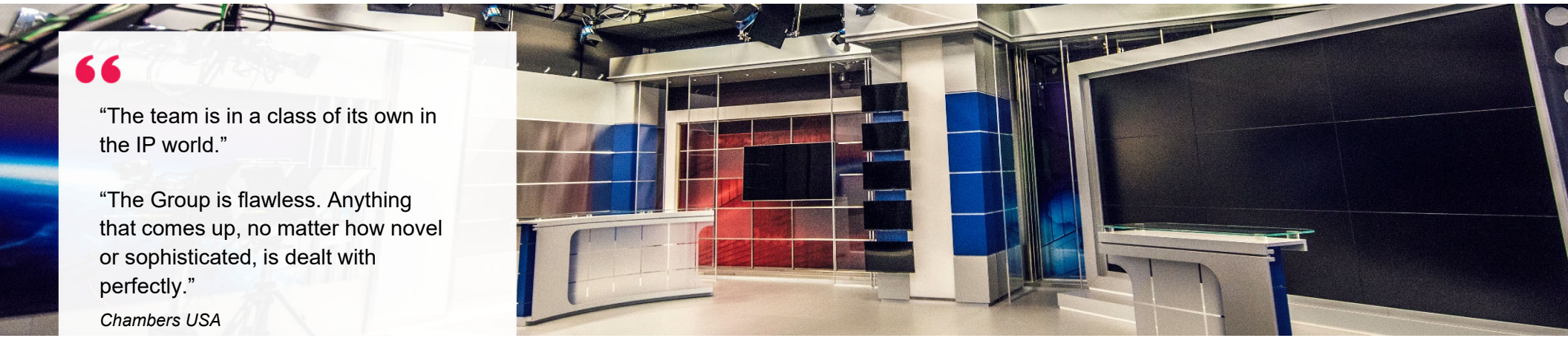
Novartis in a precedent-setting advertising dispute in Newark, and before the U.S. Court of Appeals for the Third Circuit, that created new law on the substantiation of advertising claims in a case against Mylanta NightTime.

Sports, Entertainment & Media

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. In February 2025, we were ranked the Sports & Betting Group Of The Year by *Law360* for our role in helping shape the new NFL rules allowing private equity firms to become team owners and representing students fighting to protect transgender athletes' rights. We were also ranked for Sports Law by *Chambers USA*.



> “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*

Select Representations

Sports, Entertainment & Media

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 affirmance by the New York Court of Appeals.

National Football League in a major victory at the summary judgment 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.

AI, Digital Media & Online Brand Protection

From the start of the commercial Internet, and now in the era of generative AI, Debevoise has been a key advisor to clients worldwide on the development of their digital strategy.

From the protection of content and brands online, to defense against online counterfeiting, to the cutting-edge issues created by new gTLDs, AI model training and AI-generated outputs, Debevoise lawyers are at the forefront of advising clients on practical strategies for IP protection in the digital age.

As AI continues to reshape the digital landscape, our team, ranked by *Chambers* for both IP and AI, works seamlessly to help clients navigate the evolving legal and business challenges at the intersection of technology and IP. Our advice spans the full lifecycle of AI-related IP, integrating issues arising from model training, data sourcing and licensing, and the use of AI-generated outputs. We advise on emerging copyright and trademark issues at the intersection of AI and digital technologies, including disputes involving the use of proprietary and publicly available content in training datasets, the application of fair use, and contractual restrictions on data use, as well as high-profile disputes involving alleged unauthorized use of content in generative AI systems.

In parallel, we advise on copyright disputes at the intersection of music, social media and digital advertising, where the use of music in platform-driven content raises novel questions about licensing, distribution and brand strategy. These matters highlight how IP enforcement, platform governance and marketing practices are converging in an increasingly digital marketplace.

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, who leads the group's emerging technology practice, is frequently invited to speak nationwide on AI-related issues. She has written on emerging topics such as trademark protection in the era of generative AI and managing IP risk in AI-generated content and is regularly sought out by media publications as an expert on AI developments.

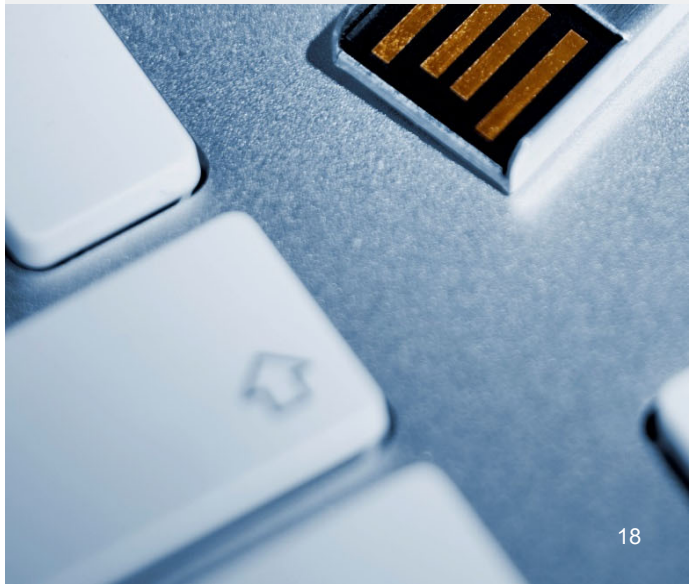


Debevoise is ranked by *Chambers USA 2026* for Artificial Intelligence where clients have noted:

> "Debevoise is second to none in its understanding and ability to navigate emerging AI issues and laws."
>
> *Chambers USA*

"The team prides itself on being innovative and creative."

Chambers USA



Select Representations

AI and IP Protection in the Digital Age



Hachette, HarperCollins, Macmillan, and **Penguin Random House** in connection with the *In re OpenAI Copyright Infringement Litigation* over the use of copyrighted works to train generative AI.



Elsevier, McGraw Hill, Cengage, Hachette, and **Macmillan** in connection with *Elsevier v. Meta*, over the use of copyrighted works to train generative AI.



A **major SaaS platform** in a confidential copyright dispute involving unauthorized use of proprietary materials as AI training data.



A major sporting goods company on AI adoption and governance, including developing employee trainings on AI best practices, intellectual property risks, and responsible use, and advising on internal AI use policies.



A major publisher in a confidential assessment of AI licensing and contractual rights.

UNTUCKit

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

Ambac

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.

Debevoise & Plimpton

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.



"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

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

Chambers USA



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 $3.1 billion acquisition of Cognite, a leading provider of industrial data and AI software.

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.

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

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.

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

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

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.

Additional Representations

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 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.

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

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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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Megan 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. She works at the forefront of modern IP disputes—from resistance to novel marks, to the speed and scale of product imitation, to the evidentiary challenges of proving trade dress and false endorsement. 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.* In 2026, she received the award for *Managing IP*'s "Trademark Litigator of the Year (Northeast)". 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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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. In 2026, she was recognized as a Woman Leader in Tech Law by *The Recorder*, an award that recognizes the go-to attorneys for leading technology companies. In 2024, she was named one of the top 40 lawyers in California under the age 40 by the *Daily Journal*. In 2022, she was selected as a "Lawyer on the Fast Track" by *The Recorder*. 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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Josh Lerner is a litigation partner and a member of the firm's Commercial Litigation Group. His practice focuses on representing technology and life sciences companies in high-stakes commercial and trade secrets disputes, including complex, business-critical matters involving trade secret misappropriation, business torts, founder disputes and contract claims.

Mr. Lerner is a seasoned trial lawyer with extensive experience litigating in federal and state courts and arbitral forums. He has served as lead counsel in significant trade secrets cases and regularly handles matters involving temporary restraining orders and preliminary injunctions, often on expedited timelines. He also advises clients on sensitive internal investigations involving intellectual property and data. Mr. Lerner has defended technology companies in numerous cases involving free speech, and also has extensive experience leading the defense of high-stakes class actions, domestic arbitrations and mass arbitrations. Mr. Lerner brings both law firm and in-house experience to his work, enabling him to provide practical, business-oriented advice in complex 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

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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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Brianna van Kan is a partner and a member of the firm's Intellectual Property & Technology Transactions Group. Ms. van Kan advises private equity sponsors, public companies and strategic investors on intellectual property and technology matters in connection with mergers and acquisitions, carve-outs, joint ventures, restructurings, financings and other complex transactions. She also advises on licensing, data, collaborations and other commercial arrangements.

Her experience spans a broad range of industries, including technology, financial services, healthcare, life sciences and consumer products. She also advises clients on AI governance, product development and strategic engagement with novel and emerging technologies, drawing on her experience in a product counsel role at Spotify, where she advised on machine learning and AI initiatives.

Prior to joining Debevoise, Ms. van Kan was a partner at another prominent international law firm. In 2025, Ms. van Kan was recognized in the IAM Patent 1000: The World's Leading Patent Professionals and was named a Rising Star in *Managing IP*'s annual IP Stars rankings.

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Christopher Ford, is a counsel in the Litigation Department and 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 Appeal Board, and regularly advises clients on issues relating to their trademark and brand management. In 2026, *The Legal 500 US* recognized him as a leader for trademark and advertising litigation, with clients noting that his "reading and interpretation of the case law seems boundless" and that he "will be a star litigator." From 2022-2026, Managing IP has recognized Mr. Ford as a U.S. "rising star" for trademark work, and *The World Trademark Review 1000* (2026) ranks him in the bronze band for trademark litigation.

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.

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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.

Kate Saba

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Kathryn ("Kate") Saba is a counsel in the Litigation Department and a member of the firm's Intellectual Property Litigation Group. Ms. Saba has litigated trademark, copyright, design patent, and false advertising matters in federal court and before the Trademark Trial and Appeal Board. She represents clients across a range of industries including the fashion, technology, cosmetics, and pharmaceutical industries. She is recommended by The Legal 500 for trademark litigation where clients have noted she is "Assertive and persuasive" and that "it is difficult to imagine Kate ever being wrong about anything." She is recognized by The World Trademark Review 1000.

Ms. Saba is Co-Chair of the American Bar Association's Trademark Litigation Committee, Vice-Chair of the American Bar Association's Copyright Legislation Committee, and a member of the International Trademark Association's Designs Committee. She has co-authored amicus briefs filed before the Sixth and Ninth Circuits on behalf of the International Trademark Association and before the United States Supreme Court on behalf of the American Bar Association. Ms. Saba has guest lectured on trademark and trade dress issues at New York University School of Law.

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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 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:

For the past seven years, Debevoise lawyers in the United States have averaged more than 100 hours of pro bono work per year.

About Debevoise & Plimpton (continued)

We are committed to inclusion:

Inclusion is a bedrock of our culture. This commitment stems naturally from the values that shape our firm. To continue to flourish, our firm will strive to recruit and develop the finest talent of all backgrounds and beliefs. We will build and sustain a community that respects the different backgrounds, perspectives, and experiences of our colleagues. We deeply value collaboration and collegiality, and we seek these characteristics in those we select to represent the firm as partners, counsel, associates, and professional staff.

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 directories 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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