



# Peter M. Brody

Partner

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## Practice

Peter Brody has been successfully litigating intellectual property cases and other complex disputes in federal and state courts across the United States for over 30 years. A member and former chair of Ropes & Gray's intellectual property litigation group, Peter has litigated every type of IP case – patent, copyright, trade secret, trademark, and false advertising - as well as a wide range of constitutional, administrative, and contract disputes. Peter also has substantial experience in alcoholic beverage laws and regulations. In addition to his trial and appellate practice, Peter has served as lead counsel in numerous domestic and international arbitrations, as well as hearings and proceedings before federal and state administrative agencies. Peter's broad-based litigation experience enables him to see the big picture and to present complicated and technical matters in a clear and easy to understand manner. His extensive knowledge of intellectual property law, careful case preparation, and skilled advocacy are valued by leading companies in a wide array of business sectors, including alcoholic beverages, consumer electronics, pharmaceuticals and medical devices, financial services, food, and personal care.

Peter is also an active member of the firm's social media group. He routinely advises clients on trademark and copyright protection and enforcement in the social media arena, best practices for protecting confidential information and trade secrets from disclosure on social media sites, and federal and state regulation of advertising and promotion via social media. Peter also helps clients protect themselves from – and respond to – incidents of doxing (doxxing). In addition, Peter serves as an editorial adviser to Bloomberg BNA.

Peter also lectures and writes extensively on social media, intellectual property and alcoholic beverage law and practice. He currently serves as the President of the U.S. Chapter of the International Wine Lawyers Association.

## Experience

- *Global Life Sciences Company* (D.N.J.): Representing a global life sciences company in a Lanham Act lawsuit concerning a competitor's

## Education

- JD, *cum laude*, Harvard Law School, 1984; Executive Editor, *Harvard Law Review*
- AB, *magna cum laude*, Princeton University, 1980

## Bar Admissions

- Maryland, 1992
- District of Columbia, 1986

## Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit

misleading advertising about insurance coverage for the parties' respective prescription drug products.

- *Multinational Pharmaceutical Company* (N.D. Cal.; ITC): Representing a multinational pharmaceutical company in a group of lawsuits against competitors misleadingly marketing unapproved drug products as approved generic versions of client's NDA-approved prescription drug.
- *Solar Junction Corporation v. IQE plc* (S.D.N.Y.): Representing a semiconductor wafer manufacturer and its employees in a series of lawsuits and an international arbitration concerning whether the client's patents incorporate the plaintiff company's trade secrets.
- *Global Fashion Brand Company* (D. Del): Represented plaintiff in action against former officers asserting claims of trade secret misappropriation, trademark infringement, false advertising, and breach of contract, arising out of defendants' newly launched, infringing fashion brand. Obtained preliminary and permanent injunctions halting defendants' unlawful conduct.
- *Chiesi USA v. ONY, Inc.* (E.D.N.C.): Successfully represented Chiesi USA in a federal false advertising lawsuit brought against ONY INC, resulting in a consent decree prohibiting defendant from engaging in a range of advertising conduct.
- *Designer Shoe Company* (S.D. Fl.): Represented plaintiff in action against former high-level IT manager asserting claims of trade secret misappropriation, CFAA violations, and breach of employment and non-disclosure obligations. Obtained ex parte seizure order, temporary restraining order, and preliminary injunction under the federal Defend Trade Secrets Act of 2016.
- *Bureau National Interprofessionnel Du Cognac v. Prowood Wine & Spirits, Inc.* – Successfully represented BNIC in a federal district court case involving the sale of a product, described as "Arman Cognac," that was not 100% genuine Cognac, and may not have included any Cognac at all.
- *Invista North America S.a. R.l. v. Hanwha Corporation* – Successfully defended the owner by obtaining a favorable result allowing our client unrestricted use and registration of its own word-and-design marks for renewable energy services.
- *In re Products Having Laminated Packaging, Laminated Packaging, and Components Thereof.* Co-lead counsel for Diageo North America in the first investigation of the ITC's pilot program for possible early disposition of cases. Following an accelerated trial on the economic prong of domestic industry, the Commission found that the complainant (a non-practicing entity) failed to satisfy the economic prong and terminated the investigation.
- *TRIA Beauty v. Radiancy, Inc.*: Lead trial counsel for an FDA-regulated medical device manufacturer in a false advertising lawsuit brought against a competitor marketing an unregulated device with false claims.

- U.S. District Court for the District of Columbia



- *YSL Beauté v. Oscar de la Renta, Ltd.*: Lead trial counsel for an international fashion house in a successful year-long international arbitration over termination of the client's global trademark license agreement for fragrances and cosmetics.
- *LG Electronics v. Quanta Computer Corp.*: Lead trial counsel for the plaintiff in a recent patent infringement suit involving various aspects of DVD technology.
- *Schick Mfg., Inc., et al. v. The Gillette Company*: Lead trial counsel for Gillette in a series of unfair competition and false advertising actions with its primary competitor.
- *Mansell et al. v. Raytheon Company, et al.*: Lead trial counsel for the defendants in a patent royalty suit involving GPS vehicle tracking systems, tried to a jury.
- *Bronco Wine Company v. California*: Lead counsel for the plaintiff, a major U.S. wine producer, in a lawsuit challenging, on constitutional grounds, a state statute retroactively restricting the use of certain geographic trademarks. The litigation included two appeals to the California Supreme Court.
- Regularly represents the Harvard Law Review Association in trademark and copyright disputes over unauthorized copies and versions of The Bluebook, the uniform system of legal citation.
- Clients in the wine and spirits industry include Bronco Wine Company; Sutter Home Winery; The Michael Mondavi Family; Grupo Osborne, S.A.; Fratelli Branca, S.A.; Miguel Torres, S.A.; Groupe Camus; Comité Interprofessionnel du Vin de Champagne; Bureau National Interprofessionnel du Cognac; and Institut National des Appellations d'Origine.

## Awards

- Expert Guides – Trade Marks (2018)
- *WTR1000* (2017-2019)
- *American Lawyer Media and Martindale-Hubbell* - Top Rated Lawyer in Intellectual Property (2013)
- *Who's Who in America*
- *Who's Who in American Law*

## Publications

- Profiled, "Volunteer Spotlight: Peter Brody," International Trademark Association's *INTA Bulletin* (December 1, 2018)
- Co-author, "A Closer Look At CMS' Drug Price Disclosure Proposal," *Law360* (October 24, 2018)

- Co-author, "Looking Beyond Patents at the International Trade Commission – Is the ITC an Underutilized Forum," *IP Litigator* (November-December 2017)
- Quoted, "The Grey Areas of Trade Secrets Cases Under the DTSA," *Managing Intellectual Property* (April 12, 2017)
- Co-Author, "Deciphering The Scope Of Competing Trade Secret Standards," *Law360* (April 4, 2017)
- Co-author, "Strategic and Practical Tips for Successful Ex Parte Seizure Under the DTSA," *NYIPLA The Report* (December 2016/January 2017)
- Quoted, "Bronco Winery Taken to Court Over Alleged Trademark Violation," *Ceres Courier* (February 8, 2017)
- Co-author, "Patent or Trade Secret? Two Ways to Protect Your Valuable IP," *Today's General Counsel* (December-January 2017)
- Co-author, "US DTSA Creates Powerful New Federal Civil Remedies," *Intellectual Property Magazine* (September 2016)
- Quoted, "Rule Change Would Increase Protection for Napa Wines," Bloomberg BNA's *Patent, Trademark & Copyright Journal* (July 6, 2016)
- Quoted, "Dissecting the Defend Trade Secrets Act," *Managing Intellectual Property* (June 3, 2016)
- Quoted, "The Future Impact of the Defend Trade Secrets Act of 2016," *InsideCounsel* (May 23, 2016) (Subscription required)
- Quoted, "Companies Get Right to Sue in Trade-Secrets Cases," *Wall Street Journal Risk & Compliance Journal* (May 13, 2016) (Subscription required)
- Co-author, "Defend Trade Secrets Act and Its Impact," *Intellectual Property Magazine* (May 2016)
- Co-author, "The International Comparative Legal Guide to Trade Marks 2016," *International Comparative Legal Guides* (May 2016)
- Quoted, "Five Things to Know About the Defend Trade Secrets Act," *Law360* (April 27, 2016)
- Quoted, "Trade Secrets Bill Clears House, Obama to Sign Into Law," Bloomberg BNA's *Patent, Trademark & Copyright Journal* (April 27, 2016)
- Quoted, "Senate Pass 'Long Overdue' Trade Secrets Update," *Intellectual Property Magazine* (April 6, 2016)
- Quoted, "U.S. Senate Passes Federal Trade Secrets Act," *World Intellectual Property Review* (April 5, 2016)
- Quoted, "Federal Agencies Train Spotlight on Social Media Ads," Bloomberg BNA *Electronic Commerce & Law Report* (January 6, 2016)



- Quoted, “Justices Say Facebook Threat Prosecution Requires Proof Poster Had Criminal Intent,” *Bloomberg BNA Social Media Law & Policy Report* (June 2, 2015)
- Quoted, “4th Cir.’s Latest Remand of Paper Towel Trademark Dispute Is Over Applying Octane,” *Bloomberg BNA Patent, Trademark & Copyright Journal* (April 3, 2015)
- Co-author, “Social Media and Patent Eligibility,” *Bloomberg BNA Social Media Law & Policy Report* (March 24, 2015)
- Quoted, “US Supreme Court Says USPTO rulings can prevent re-litigation,” *Antarctic Today* (March 25, 2015)
- Quoted, “Attorneys React To Supreme Court’s TTAB Preclusion Ruling,” *Law360* (March 24, 2015)
- Quoted, “Octane’s Creep Into Lanham Act Cases Continues; Deliberately Low Fees Award Given,” *Bloomberg BNA Patent, Trademark & Copyright Journal* (January 30, 2015)
- Quoted, “SCOTUS Ruling, Irreparable Harm Standard, ‘Redskins’ Case Are Top 2015 TM Issues,” *Bloomberg BNA Patent, Trademark & Copyright Journal* (January 23, 2015)
- Co-author, “Fee-Shifting Under the Lanham Act in the Wake of Octane and Highmark,” *Managing Intellectual Property* (December 11, 2014)
- Quoted, “Check the Label (Or It Could Cost You Millions),” *Managing Intellectual Property* (October 23, 2014)
- Quoted, “Facebook Fan Page Manager Didn’t Own Over 6 Million Likes on Site, Court Holds,” *Social Media Law & Policy Report* (August 27, 2014)
- Quoted, “Sky Not Falling after *Pom v. Coke* Decision,” *Wine & Spirits Daily* (June 20, 2014)
- Quoted, “Supreme Court’s POM Ruling Will Impact More Than Food And Drink,” *Managing Intellectual Property* (June 18, 2014)
- Co-author, “POM V. Coke May Impact Many FDA-Regulated Products,” *Law360* (May 8, 2014)
- Quoted, “Coke Argues FDCA Preempts Lanham Claim; Justices Reveal Discomfort With Label,” *Bloomberg BNA’s Patent, Trademark & Copyright Journal* (April 21, 2014)
- “Preclusion, Primary Jurisdiction, and Private Enforcement: The Intersection of the Lanham Act and the Federal Food, Drug, and Cosmetic Act,” *Bloomberg BNA’s Pharmaceutical Law and Industry Report* (April 18, 2014) and *Patent, Trademark & Copyright Journal* (May 2, 2014)
- Quoted, “Supreme Court Inks Out Test for Who Can Bring Federal False-Advertising Claims,” *Westlaw Journal Computer and Internet* (April 10, 2014)

- Quoted, “Brand Owner Concerns Grow Over .Sucks GTLD,” *Managing Intellectual Property* (April 11, 2014)
- Co-author, “A New Test For False Ad Standing Under Lanham Act,” *Law360* (April 8, 2014)
- Quoted, “New Net domains expand Web addressing system,” *USA Today* (February 4, 2014)
- Quoted, “Jurisdictions Outside U.S. Addressing Employer Ownership of Social Media Data,” *Social Media Law & Policy Report* (January 15, 2014)
- Quoted, “ICANN Domain Expansion Means More Work to Protect Brands Online,” *Corporate Counsel/The American Lawyer* (March 12, 2013)
- Quoted, “Clock Ticking For TM Owners To Protest New Web Domains,” *Law360* (March 8, 2013)
- Co-author, “Ten Things You Need to Know About Social Media and Intellectual Property in 2013,” *Bloomberg BNA Social Media Law & Policy Report* (January 8, 2013); *Bloomberg BNA Patent, Trademark & Copyright Journal* (January 25, 2013)
- Quoted, “Does Covenant Not to Sue Bar Court From Weighing Trademark Validity?” *Bloomberg BNA’s Patent, Trademark & Copyright Journal* (November 16, 2012)
- Quoted, “Already V Nike Could Increase Litigation Risk For Trade Mark Owners,” *Managing IP* (November 9, 2012)
- Quoted, “Justices Eye Nike’s Deal Not To Sue In Trademark Case,” *IP Law360* (November 7, 2012)

## Presentations

- Speaker, “Patent Derivation, Inventorship Disputes and Trade Secret Misappropriation: Protecting Proprietary Research,” Strafford Legal Webinar (June 12, 2019)
- Speaker, “Patent Derivation, Trade Secret Misappropriation and Patent Ownership Disputes: Protecting Research in the Gig Economy,” Ropes & Gray Webinar (March 11, 2019)
- Moderator, “Defend Trade Secret Act,” MIP US Patent Forum (March 23, 2017)
- Speaker, “Hot Topics: Hashtags and Augmented Reality,” Bloomberg BNA Webinar (April 18, 2017)
- Speaker, “False Advertising in Social Media: Guidance and Enforcement,” Bloomberg BNA (June 22, 2016)
- Speaker, “The Defend Trade Secrets Act of 2016 – What You Need to Know,” Association of Corporate Counsel (June 15-16, 2016)

- Speaker, "Trade Secrets: More Valuable Than Ever?," Ropes & Gray IPMC Financial Services Roundtable (April 28, 2016)
- Speaker, "The Changing Landscape of Remedies," ALM IP Trademark, Copyright & Licensing Counsel Forum (November 4, 2015)
- Speaker, "Internet & U.S. Data Handling," Ropes & Gray IPMC Financial Services Roundtable (April 7, 2014)