

EXHIBIT A



Joseph M. Beck

PARTNER

Suite 2800, 1100 Peachtree Street
Atlanta, GA, 30309-4528
USA
t +1 404.815.6406
f +1 404.541.3126

Jbeck@kilpatricktownsend.com

Services

Intellectual Property; Copyright; Consumer Product Safety; Internet

Industries

Entertainment, Media & Sports; Technology & Software; Consumer Products; Retail

Based on a survey of corporate counsel at *Fortune* 1000 companies, Mr. Beck was one of only 29 attorneys in the entire country to have been selected for two years in a row by corporate counsel as providing "Outstanding Client Service." In 2010, Mr. Beck was named the Intellectual Property Lawyer of the Year by *Intellectual Property Magazine*. Although he has handled government contract, product liability and antitrust (civil and criminal) litigation in the course of his career, he currently focuses his practice on intellectual property litigation, particularly copyright, and on consumer product, FDA and NHTSA recalls.

Copyright

Mr. Beck has served as lead counsel in some of the most important copyright cases in the United States. Several of his reported cases are now included in standard law school case books. As a result, Mr. Beck has been asked to discuss his cases at law schools including Harvard, Stanford, The University of Texas, Duke and other institutions and in countries ranging from Russia to India. In addition to litigation in courts throughout the country, Mr. Beck has served as mediator in a number of copyright infringement disputes involving works ranging from motion pictures to architecture, and was named a "Power Mediator" by *The Hollywood Reporter*.

Product Recalls

Mr. Beck designed and helped quarterback one of the most successful recalls in Consumer Product Safety Commission history involving an appliance that allegedly caused at least 11 deaths. As a result of his work, he was invited by the Consumer Product Safety Commission to make a presentation to The U.S. Conference Board in Washington regarding recall techniques. At a subsequent public hearing in Washington, the Vice Chair of the Consumer Product Safety Commission referred to him as "one of the most knowledgeable persons in the country about consumer product recalls." Mr. Beck chaired the panel on the new Consumer Product Safety Improvement Act at the annual meeting of the Association of Corporate Counsel in the Fall of 2009 in Boston.

Prior to moving to Atlanta, Mr. Beck served as Legal Services attorney for indigents in Washington, D.C., produced a television program on the law for a Washington, D.C. television station, developed a mathematical model of the criminal justice system for the Urban Institute in Washington, and served in the U.S. Army, receiving the Meritorious Services Medal and two Army Commendation Medals.

Mr. Beck has received the prestigious Burton Award, which recognizes legal writing, for an article in *Copyright World*. He is a recipient of the Emory Medal, the highest award of the Emory Alumni Association. Mr. Beck was honored by Georgia State University's College of Law and J. Mack Robinson College of Business with the prestigious 2012 Intellectual Property Legends Award for his outstanding achievements in intellectual property and for being "a highly respected and distinguished leader in the international legal community with nearly 40 years of copyright law experience." Mr. Beck has been recognized in *The Best Lawyers in America*[®] since 1995 and in 2013, he was listed in the areas of Entertainment Law and Intellectual Property Law. He was named a 2012 "Atlanta Lawyer of the Year" in the area of Intellectual Property and a 2013 "Atlanta Lawyer of the Year" in the area of Entertainment Law — Music, Motion Pictures and Television by *The Best Lawyers in America*[®]. Mr. Beck has been named a Georgia "Super Lawyer" in the areas of Intellectual Property Litigation, Intellectual Property, and Entertainment & Sports by *SuperLawyers* magazine. He was also listed in the 2009 and 2010 editions of *Chambers USA: America's Leading*

Lawyers for Business for Intellectual Property and was listed as #1 in the 2011 and 2012 editions. Mr. Beck has been recognized as a top U.S. practitioner in Trademark, Copyright & Trade Secrets by *Chambers Global 2012*. He was recommended by *Legal 500 US* for Copyright in 2011 and 2012. Mr. Beck was recognized by *Benchmark: Litigation* as a 2011 "Litigation Star" for Georgia and is AV[®] rated by Martindale-Hubbell.*

* CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience Highlights

Defended copyright challenge of Google's Book Search project

The firm served as lead counsel for Google Inc., in defending copyright infringement lawsuits brought by the Author's Guild, et al., and separately by McGraw-Hill and four other large New York publishers in the U.S. District Court for the Southern District of New York. The complaint alleged that Google's "Book Search" project (involving the scanning of books in the libraries at Michigan, Harvard, Stanford, The New York Public Library and Oxford University) infringes the copyrights of millions of authors and publishers. The litigation has been described as the most important copyright dispute in the last 50 years. A potential settlement that will allow Google to continue to work with its library partners to scan public domain and in-copyright books from their collections is being considered by the court.

The Authors Guild v. Google Inc., No. 1:05-cv-08136 (S.D.N.Y. filed Sept. 20, 2005).

Cooper v. Sony Music Entertainment Inc., et al.

Defended Sony Music Entertainment Inc., So So Def Productions and other defendants in a series of lawsuits asserting copyright infringement and other claims relating to pre-1972 musical sound recordings. Representation resulted in dismissal of suit and award of defendants' attorneys' fees.

Cooper v. Sony Music Entmt, Inc., et al., 2002 WL 391693 (S.D. Tex. Feb. 22, 2002).

Faulkner v. National Geographic

As lead *amici* counsel for more than two dozen academic associations (including the American Association for the Advancement of Science), university presses (including Stanford, Duke and Oxford University) and an electronic archive of digitized versions of scholarly literature, the firm helped convince the 2nd Circuit to affirm the application of §201(c) of the Copyright Act to a CD-ROM version of 100 years of National Geographic.

Faulkner v. National Geographic, 409 F.3d 26 (2nd Cir. Mar. 4, 2005).

Rosa Parks v. LaFace Records

Successfully represented LaFace Records in a lawsuit brought by civil rights icon, Rosa Parks, for naming their Grammy nominated song "Rosa Parks." The suit alleged violations of the right of publicity and the Lanham Act, defamation and various other state law claims.

Rosa Parks v. LaFace Records, 76 F.Supp. 2d 775 (E.D. Mich. 1999), *aff'd in part, rev'd in part*, 329 F.3d 437 (6th Cir. 2003), *cert. denied*, 2003 WL 22303348 (Dec. 8, 2003).

Hustlers, Inc. v. Thomason

Defended Sanctuary Records in a copyright suit. The court granted Sanctuary's motion to dismiss the on the grounds that Sanctuary held a license from one of the co-authors of each of the plaintiff's songs.

Hustlers, Inc. v. Thomason, 65 USPQ 2d 1037 (N.D. Ga. 2002).

Cabell v. Sony Pictures Entertainment, Inc.

Served as lead counsel in representing Sony Pictures Entertainment Inc., actor/writer Adam Sandler and writer Judd Apatow, et al., in a copyright, trademark and unfair competition suit in federal court in New York. The firm successfully obtained summary judgment of copyright and trademark rights on behalf of Sony Pictures Entertainment Inc., rejecting claims of film and advertising infringements and lighting the way for the movie *You Don't Mess With The Zohan*. The Court of Appeals for the Second Circuit affirmed the district court's grant of summary judgment to our client.

Cabell v. Sony Pictures Entmt, Inc. 714 F. Supp. 2d 452 (S.D.N.Y. 2010), *aff'd*, No. 10-2690-CV, 2011 U.S. App. LEXIS 13057 (2d Cir. June 24, 2011).

DC Comics Inc. v. Unlimited Monkey Business Inc.

Represented DC Comics Inc., an AOL Time Warner subsidiary, in a copyright infringement suit in which summary judgment was granted on the grounds that "Superstud" and "Wonder Wench" infringed the copyrighted characters Superman[®] and Wonder Woman[®]. The parody defense was rejected as a matter of law.

DC Comics Inc. v. Unlimited Monkey Bus. Inc., 598 F. Supp. 110 (N.D. Ga. 1984).

Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.

Successfully represented the heirs of Dr. Martin Luther King, Jr. against CBS Broadcasting Inc. in a highly publicized case before the Eleventh Circuit. The decision upheld the validity of the copyright of the famous "I Have A Dream" speech against a challenge that it had entered the public domain. Following briefing and oral argument, the Eleventh Circuit reversed a district court's finding that Dr. King's copyright in the speech "I Have A Dream" was forfeited when delivered in 1963 at the March on Washington and remanded the case for trial. CBS thereafter agreed to a settlement of the Dr. Martin Luther King, Jr. Estate's claim that CBS infringed copyrights when it used portions of the speech in a documentary by Mike Wallace.

Estate of Martin Luther King, Jr., Inc. v. CBS, Inc., 194 F.3d 1211 (11th Cir. 1999), *reh. denied*, 207 F.3d 666 (11th Cir. 2000).

Copyright infringement litigation for global mobility company

Defended a global mobility company in copyright infringement litigation alleging that mobile network carriers were unauthorized to distribute the plaintiffs' greeting card style MMS messages over their networks. The plaintiffs alleged that MMS is indistinguishable from peer-to-peer services such as Napster, Kazaa and Limewire that had previously been deemed by courts to be infringing. The court issued a written decision granting the carriers' motion to dismiss with prejudice, finding among other things that our client had no duty to police its network for infringing content. There are only a handful of cases that have addressed a service provider's duty to filter infringing content, and thus, the court's holding that our client has no such obligation is noteworthy. Currently on appeal to the Ninth Circuit.

Copyright infringement action for Washington University in St. Louis

Brokered an advantageous settlement agreement for Washington University in St. Louis in a complex copyright infringement action. The case involved the University's acquisition of a film and media archive in 2001 consisting of various documentary film materials that were collected by the late Henry Hampton, the documentary filmmaker famous for his critically acclaimed television series on civil rights in America, "Eyes on the Prize." Six years after acquiring and housing the archive materials in the University's Film and Media Archive, the late Henry Hampton's media company sued the University in Boston, Massachusetts for copyright infringement, conversion and various other claims based on the University's possession and use of the archive. The firm immediately filed a motion to dismiss the lawsuit and entered into settlement discussions that raised nuanced and novel questions of copyright law.

SunTrust Bank v. Houghton Mifflin

Represented Houghton Mifflin in a copyright infringement suit prohibiting the publication of the book "The Wind Done Gone" because of alleged infringement of the copyright in the novel and motion picture "Gone With the Wind." The Estate of Margaret Mitchell, through SunTrust Bank as Trustee, brought a copyright infringement suit against Houghton Mifflin and obtained a preliminary injunction. On May 25, 2001, and immediately upon conclusion of oral argument by the firm, a unanimous panel of the Eleventh Circuit, U.S. Court of Appeals, vacated the injunction as an abuse of discretion and unconstitutional prior restraint of speech. On October 10, 2001, the Eleventh Circuit issued a full opinion rejecting the district court's conclusion that the plaintiff was likely to succeed and finding, on the record before the court, that "The Wind Done Gone" likely made fair use of "Gone With the Wind."

SunTrust Bank v. Houghton Mifflin, 252 F.3d 1166 (11th Cir. 2001), *and* 268 F.3d 1257 (11th Cir. 2001).

Copyright infringement defense for LaFace Records

The firm successfully defended LaFace Records and So So Def Productions in a series of lawsuits asserting copyright infringement and other claims relating to pre-1972 musical sound recordings. Representation resulted in dismissal of suit and award of defendants' attorneys' fees.

Fantasy, Inc. v. LaFace Records, 43 U.S.P.Q. 2d 1700 (N.D. Cal. 1997); *Fantasy, Inc. v. LaFace Records*, 43 U.S.P.Q. 2d 1959 (N.D. Cal. 1997); *Fantasy v. LaFace Records*, 49 U.S.P.Q. 2d 1148 (E.D. Cal. 1998).

Asset sale for the Estate of Martin Luther King, Jr. Inc.

Represented Estate of Martin Luther King, Jr. Inc. in the sale of Dr. King's papers to a buyer sponsored by the City of Atlanta.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Moral Rights and Wrongs: Conflicts in the Digital World
Journal of the Copyright Society of the USA, March 01, 2010

Digital-Age Claims for Old-World Rights
Journal of Intellectual Property Law, September 01, 2009

Music Fans May Help Settle the Score in Satriani v. Coldplay Infringement Suit
LJN's Entertainment Law & Finance, April 01, 2009

IP Innovations Class: Even More Hot Topics in Copyright and Publicity Law - The Google Book Search Litigation
Teleconference, January 08, 2009

Why the Corporate 'Policy' is No Shield to Multi-Million Dollar Copyright Liability
Intellectual Property Desk Reference, January 01, 2009

Copyright Questions and Answers
Intellectual Property Desk Reference, January 01, 2009

Why the Corporate 'Policy' is No Shield to Multi-Million Dollar Copyright Liability
Association of Corporate Counsel IP Committee Newsletter, November 18, 2008

Dangerous Consumer Products - Violators Beware
Product Liability Law 360, August 15, 2008

Toys, Food and Other Dangerous Products
Product Liability Law 360, January 02, 2008

Copyright Questions and Answers
Intellectual Property Desk Reference, January 01, 2006

Moral Rights Risks: Conflict and Constitutional Considerations
Intellectual Property Desk Reference, January 01, 2006

Moral Rights, Legal Wrongs: Risks, Conflict and Constitutional Consideration in Introducing Moral Rights Protection to
U.S. Law
Copyright World, September 01, 2003

Copyright Protection for GIS Information: A New Revenue Source
Georgia County Government, February 01, 2002

The Role of Parody in Copyright: Is a New Wind Blowing?
Copyright World, December 01, 2001

Copyright Law for Visual Artists
Art Papers, May 15, 1996

Multimedia/Multilegal Issues
OZ Magazine, March 15, 1995

Copyrights and Moral Rights - What Architects Need to Know
AIA Georgia, January 01, 1995

Professional & Community Activities

Copyright Society of the USA, Former Trustee and Founder and Chair of Southeast Chapter

Emory University, Adjunct Professor of Intellectual Property Law (Copyright, First Amendment)

Georgia First Amendment Foundation, Board of Directors

Journal of the Copyright Society of the USA, Editorial Board

U.S. State Department, Lecturer on copyright in Russia, India, Belarus, Macedonia, Albania, Kosovo and Bosnia

The Indian Journal of Intellectual Property Law, Advisor

2009 BTI Client Service All-Star Team

Alliance Theater, Past Board of Directors Member

Georgia Citizens for the Arts, Past Board of Directors

Leadership Atlanta, Class of 1985

Education

Harvard University, J.D. (1968)

George Washington University Law School, M.A., Urban Law
summa cum laude

Emory University, B.A., History (1965)
magna cum laude

Bar Admissions

Georgia (1969)



Joseph Petersen

PARTNER

The Grace Building, 1114 Avenue of the Americas
New York, NY, 10036-7703
USA
t +1 212.775.8715
f +1 212.775.8815

Jpetersen@kilpatricktownsend.com

Services

Intellectual Property; Copyright; Trademark; Trademark & Trade Dress Litigation; Internet

Industries

Technology & Software; Telecommunications; Entertainment, Media & Sports

Joe Petersen focuses his practice in representing technology and digital media companies in the enforcement and protection of their copyrights and trademarks. In addition to his broad copyright and trademark litigation experience, Mr. Petersen possesses unique experience in federal court litigation establishing fee structures for the public performance of musical works. Beyond his litigation experience, Mr. Petersen also routinely counsels clients on the protection, enforcement and licensing of their intellectual property assets.

Mr. Petersen was recommended for his copyright expertise in the prestigious 2011 and 2012 *Legal 500 U.S.* and in 2011, Mr. Petersen was praised as "well regarded" for his knowledge of "cutting edge" copyright issues. Mr. Petersen was similarly praised in the 2008 *Chambers USA: America's Leading Lawyers for Business* for IP Trademark Copyright as being "well versed in copyright and trademark infringement claims, trade secret litigation and domain disputes." Mr. Petersen is AV[®] rated by Martindale-Hubbell.*

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Experience Highlights

Trademark enforcement services for *Fortune* 500 consumer electronics and computer software multinational corporation

Represents a California-based *Fortune* 500 multinational corporation that designs and manufactures consumer electronics and computer software products in trademark enforcement work, including lead counsel representation of client in multiple proceedings before the Trademark Trial and Appeal Board.

Trademark portfolio management for leading manufacturer of waterproof, breathable fabric

Represents leading manufacturer of waterproof, breathable fabric in connection with the enforcement of the company's trademarks.

Trademark and copyright representation for a *Fortune* 100 financial services company

Represents a *Fortune* 100 financial services company in trademark license negotiations and copyright issues.

Capitol Records, Inc. v. Naxos of America, Inc.

Represented leading independent music label with litigation and mediation in connection with claims brought by music label relating to pre-1972 music recordings.

Litigation for a leading publisher of fashion magazine

Represented leading publisher of fashion magazines in connection with lawsuit arising from termination of license agreement.

Copyright litigation for a leading jewelry design firm *

Represented a leading jewelry design firm in connection with copyright litigations filed against numerous infringers of client's valuable copyrights.

Copyright infringement litigation for global mobility company

Defended a global mobility company in copyright infringement litigation alleging that mobile network carriers were unauthorized to distribute the plaintiffs' greeting card style MMS messages over their networks. The plaintiffs alleged that MMS is indistinguishable from peer-to-peer services such as Napster, Kazaa and Limewire that had previously been deemed by courts to be infringing. The court issued a written decision granting the carriers' motion to dismiss with prejudice, finding among other things that our client had no duty to police its network for infringing content. There are only a handful of cases that have addressed a service provider's duty to filter infringing content, and thus, the court's holding that our client has no such obligation is noteworthy. Currently on appeal to the Ninth Circuit.

Social media policies for an international financial services company

Developed social media and privacy policies for international financial holding company and its banking and non-banking subsidiaries.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

KT Breakfast Briefing - Copyright Termination: The Looming Battle
Kilpatrick Townsend & Stockton LLP, October 09, 2012

Presentation on Hot Topics in IP — Epic Battles: Patent Wars, Trademark Throwdowns and Copyright Clashes — How Increasing Litigation Affects the Industry and Your Company
ACC Annual Meeting 2012, October 01, 2012

Copyright Update for Trademark Counsel
KT 2012 Advanced Trademark Law Seminar, February 09, 2012

IP Year in Review
Association of Corporate Counsel's 2011 Annual Meeting, October 23, 2011

Termination of Copyright Transfers and Licenses: Are your copyrights subject to termination under the Copyright Act?
Benjamin N. Cardozo School of Law, September 22, 2011

Online Publication Subjects Foreign Author to U.S. Copyright Registration Requirement
Cyberspace Lawyer, July 01, 2011
Regarding the debate over what constitutes a "United States work" in copyright law

How Three Strikes Is Working
Managing IP Magazine, May 03, 2011
A handful of countries have implemented some form of the controversial three-strikes policy, which cuts infringers' internet access. Joe Petersen and Andrew Pequignot report on the first few cases.

When Parodists Wish Upon the Fair Use Star - A dream come true could be a nightmare.
New York Law Journal, August 16, 2010

The Buck Stops Where? Avenues to Indemnification in the Copyright Context
American Bar Association Intellectual Property Litigation Newsletter, April 01, 2010

Presentation on Copyright Litigation
New York County Lawyers' Association, December 09, 2009

Presentation on Protecting Your Client's Intellectual Property
Association of Corporate Counsel, May 17, 2009

Copyright Questions and Answers
Intellectual Property Desk Reference, January 01, 2009

Much Needed Clarity: Scope of Copyright Legislation for Computer Programs
Copyright World, February 09, 2007

Presentation on Protection of Pre-1972 Sound Recordings Under State Common Law and the Copyright Act
2006 music related seminar hosted by the New York chapter of the Copyright Society of the U.S.A., January 01, 2006

Education

Vanderbilt University, J.D. (1996)

State University of New York, University at Albany, B.S. (1991)
summa cum laude

Bar Admissions

New York

Connecticut

Court Admissions

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York



Robert N. Potter

ASSOCIATE

The Grace Building, 1114 Avenue of the Americas
New York, NY, 10036-7703
USA
t +1 212.775.8733
f +1 212.775.8816

Rpotter@kilpatricktownsend.com

Services

Copyright; Anti-counterfeiting & Gray Market; Trademark; Trademark & Trade Dress Litigation; Intellectual Property Litigation

Industries

Entertainment, Media & Sports; Fashion & Luxury Goods

Rob Potter focuses his practice on trademark and copyright litigation and counseling, with an emphasis on anti-counterfeiting and Internet infringement. Mr. Potter routinely litigates disputes in state and federal courts around the country and before the Trademark Trial and Appeal Board, and advises clients on intellectual property matters across a wide range of industries including entertainment, luxury goods, and technology.

Mr. Potter has successfully represented clients in a broad array of copyright and trademark matters, including successful oral argument before the Second Circuit in affirming a summary judgment victory for client Sony Pictures Entertainment. Mr. Potter also has significant experience in obtaining and enforcing temporary and preliminary injunctive relief in trademark and anti-counterfeiting matters.

Mr. Potter was selected as a New York "Rising Star" by *SuperLawyers* magazine in 2011 and 2012.

Experience Highlights

Worked on teams handling the following matters:

Trademark and dilution action for Bank of America Corporation

Successfully represented Bank of America in a trademark and dilution action involving the use of the name Banc America Auto Sales for a reseller of cars on the Internet and in a brick and mortar business in Florida.

Intellectual Property counsel for bar/restaurant owner

Represented bar/restaurant owner in connection with numerous trademark and right of publicity issues, along with copyright analysis with regard to publicity and promotion.

Trademark counsel for heirs of Jaco Pastorius

Representing the heirs of Jaco Pastorius, the celebrated bass guitarist, in obtaining the return of the well-known "Bass of Doom" bass guitar, twenty years after it was stolen from Jaco Pastorius.

Coty Inc., et al. v. C Lenu, Inc., et al.

Obtained a \$500,000 consent judgment and permanent injunction against C Lenu, Inc. and its principals. C Lenu operated a decoding facility that used tools, chemicals and other methods to remove codes and other quality-control and anti-counterfeiting measures from DAVIDOFF, CALVIN KLEIN and other Coty fragrance products. Under the injunction, C Lenu, as well as its customers and suppliers, are prohibited from trafficking in infringing Coty fragrances of any kind, including decoded Coty fragrances.

Coty Inc., et al. v. C Lenu, Inc., et al., Case No. 10-Civ-21812 (S.D. Fla. 2011).

Trademark enforcement services for *Fortune* 500 consumer electronics and computer software multinational corporation

Represents a California-based *Fortune* 500 multinational corporation that designs and manufactures consumer electronics and computer software products in trademark enforcement work, including lead counsel representation of client in multiple proceedings before the Trademark Trial and Appeal Board.

Litigation for a leading publisher of fashion magazine

Represented leading publisher of fashion magazines in connection with lawsuit arising from termination of license agreement.

Cabell v. Sony Pictures Entertainment, Inc.

Served as lead counsel in representing Sony Pictures Entertainment Inc., actor/writer Adam Sandler and writer Judd Apatow, et al., in a copyright, trademark and unfair competition suit in federal court in New York. The firm successfully obtained summary judgment of copyright and trademark rights on behalf of Sony Pictures Entertainment Inc., rejecting claims of film and advertising infringements and lighting the way for the movie *You Don't Mess With The Zohan*. The Court of Appeals for the Second Circuit affirmed the district court's grant of summary judgment to our client.

Cabell v. Sony Pictures Entm't, Inc. 714 F. Supp. 2d 452 (S.D.N.Y. 2010), aff'd, No. 10-2690-CV, 2011 U.S. App. LEXIS 13057 (2d Cir. June 24, 2011).

Halted auction of GRAMMY Award for The National Academy of the Recording Arts & Sciences

Represented The National Academy of the Recording Arts & Sciences, the organization which administers the prestigious GRAMMY award ceremony, in connection with efforts to halt Christie's auction of the GRAMMY awarded to James Brown, the "Godfather of Soul," in 1986 for the song "Living In America." Christie's refused to heed the firm's demand that it call off the auction, asserting that there were no enforceable restrictions on the sale of the statuette. The firm responded by promptly commencing a lawsuit in New York state court. Faced with the cloud on title resulting from the lawsuit, Christie's ultimately pulled the GRAMMY award from the auction literally minutes before the bidding on the award was set to begin. Christie's subsequently confirmed that it has returned the statuette with no plans to auction it in the future.

Trademark litigation for subsidiary to a *Fortune* 100 global infrastructure and financial services corporation

Obtained, in less than one week's time, a temporary restraining order on behalf of a lender subsidiary to a *Fortune* 100 global infrastructure and financial services corporation thwarting the misuse of the client's trademark by a loan services company seeking to enter into a loan transaction with a world-famous boxing champion.

Copyright infringement for musician

Served as lead counsel in representing a musician for copyright infringement and related claims against defendant website asserting ownership over the musician's copyrighted recordings and compositions. Obtained favorable settlement agreement for our client including declaration of full ownership in relevant songs.

Copyright infringement litigation for Arista Records and Outkast *

Obtained summary judgment victory for Arista Records and recording artist Outkast against claims for joint authorship and copyright infringement.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

So What'cha Want? The Need for Clarity in Copyright Infringement Cases Based on Digital Sampling
Bright Ideas, September 01, 2012

Counterfeiting and Fashion
IPABA IPL Young Lawyers Action Group/ABA IPL Section Law Student Outreach Panel, January 25, 2012

Grey Market Goods
2011 International Anti-Counterfeiting Coalition (IACC) Fall Conference, October 21, 2011

Girl Talk, J.D. Salinger, and 2 Live Crew: The Past, Present, and Future of Music Sampling and Copyright Law
Brooklyn Law School, February 23, 2011

Distinction Without Difference? The Impact of Salinger on Preliminary Injunctions in Trademark Cases in the Second Circuit
Bright Ideas, October 01, 2010

Actionable Trademark Infringement
The Intellectual Property Strategist, September 01, 2009

Professional & Community Activities

Copyright Society of the USA, Member, Programming Committee, New York Chapter

New York State Bar Association, Intellectual Property Law Section, Member

International AntiCounterfeiting Coalition, Member

Bronx School of Law & Finance, Advisory Board, Co-Chair

Education

University of Pennsylvania Law School (2005)
cum laude

Florida State University, B.A., Communication (1997)
summa cum laude

Bar Admissions

New York

Court Admissions

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Michigan



W. Andrew Pequignot

ASSOCIATE

Suite 2800, 1100 Peachtree Street
Atlanta, GA, 30309-4528
USA
t +1 404.532.6964
f +1 404.541.3321

Apequignot@kilpatricktownsend.com

Services

Intellectual Property; Copyright; Trademark; Internet

Industries

Entertainment, Media & Sports; Technology & Software

Andrew Pequignot focuses his practice on copyright, trademark, and entertainment matters for technology and media companies. He has litigation, transactional, and counseling experience in diverse areas such as music licensing, fair use, safe harbors under the DMCA, anti-circumvention, software, Section 230 of the Communications Decency Act, First Amendment, and rights of privacy and publicity. His experience includes negotiating and drafting a wide variety of agreements, including intellectual property licenses and entertainment contracts. Mr. Pequignot served on the committee that drafted the Eleventh Circuit pattern jury instructions for copyright cases and currently is the chair of the Copyright Committee of the IP Law Section of the State Bar of Georgia and the co-chair of the Southeast Chapter of the Copyright Society of the U.S.A. He is a frequent writer and speaker and has been recognized as a "Rising Star" in intellectual property by *Super Lawyers* magazine.

Experience Highlights

Worked on teams handling the following matters:

[adidas America Inc. and adidas-Salomon AG v. Payless Shoesource Inc.](#)

Represented adidas America Inc. and adidas-Salomon AG in trademark infringement litigation against Payless Shoesource involving the defendant's infringing use of the well-known and distinctive adidas Three-Stripe Mark. Following a 14-day trial and two days of deliberation, the jury found unanimously in adidas' favor on all seven claims, including trademark infringement, trade-dress infringement, unfair competition and unlawful and deceptive trade practices. The jury awarded \$305 million in monetary relief, including \$137 million in punitive damages. This verdict was the largest in history for a trademark infringement case. Following entry of final judgment in excess of \$60 million, the parties later settled for an undisclosed amount.

adidas America Inc. v. Payless Shoesource Inc., No. CV01-1655 (D. Or. Nov. 11, 2008).

[Defended copyright challenge of Google's Book Search project](#)

The firm served as lead counsel for Google Inc., in defending copyright infringement lawsuits brought by the Author's Guild, et al., and separately by McGraw-Hill and four other large New York publishers in the U.S. District Court for the Southern District of New York. The complaint alleged that Google's "Book Search" project (involving the scanning of books in the libraries at Michigan, Harvard, Stanford, The New York Public Library and Oxford University) infringes the copyrights of millions of authors and publishers. The litigation has been described as the most important copyright dispute in the last 50 years. A potential settlement that will allow Google to continue to work with its library partners to scan public domain and in-copyright books from their collections is being considered by the court.

The Authors Guild v. Google Inc., No. 1:05-cv-08136 (S.D.N.Y. filed Sept. 20, 2005).

[Board of Supervisors of Louisiana State University et al. v. Smack Apparel Co.](#)

Represented four major universities and The Collegiate Licensing Company (CLC) in a trade dress infringement case. In an attempt to avoid the provisions of a prior settlement agreement, the defendant, a clothing provider, sold t-shirts and other merchandise bearing university colors that did not include any of the colleges' registered marks. The firm secured a ruling rejecting the theory that school colors were aesthetically functional and that the defendant's use was "fair." After prevailing on summary judgment on the issue of liability for trademark infringement and unfair competition, we conducted a two-day jury trial

on monetary relief. The plaintiffs recovered damages in the form of a reasonable royalty and an accounting of defendants' profits. The defendants later appealed, and the Fifth Circuit unanimously affirmed.

Louisiana State University v. Smack Apparel Co., 438 F. Supp. 2d 653 (E.D. La. 2006), *aff'd*, 550 F.3d 465 (5th Cir. 2008).

Zino Davidoff S.A. v. CVS Corp.

Obtained a preliminary injunction, which was affirmed on appeal, enjoining CVS's sale of decoded gray market DAVIDOFF COOL WATER fragrances, as well as counterfeits, based upon a holding that the removal of a serial number used for anti-counterfeiting and quality control purposes from gray market products was a "material difference" under the trademark laws even though consumers have no appreciation of the importance of the code. The decision is an important one to brand owners who seek to control counterfeiting by employing anti-counterfeiting devices and policing their channels of distribution.

Zino Davidoff S.A. v. CVS Corp., No. 06 CV 15332 (KMK), 2007 WL 1933932 (S.D.N.Y. July 2, 2007), *aff'd*, 571 F.3d 238 (2d Cir. June 19, 2009).

American Eagle Outfitters, Inc. v. Payless Shoesource, Inc.

The firm served as lead counsel asserting American Eagle Outfitters' trademarks and obtained a preliminary injunction relative to advertising and sale of AMERICAN EAGLE footwear by Payless prohibiting objectionable practices and requiring a prominent disclaimer of any affiliation with American Eagle Outfitters.

American Eagle Outfitters v. Payless Shoe Source, Inc., No. 07-cv-1675-ERK-VVP (E.D.N.Y. filed October 20, 2008).

Coty Inc., et al. v. C Lenu, Inc., et al.

Obtained a \$500,000 consent judgment and permanent injunction against C Lenu, Inc. and its principals. C Lenu operated a decoding facility that used tools, chemicals and other methods to remove codes and other quality-control and anti-counterfeiting measures from DAVIDOFF, CALVIN KLEIN and other Coty fragrance products. Under the injunction, C Lenu, as well as its customers and suppliers, are prohibited from trafficking in infringing Coty fragrances of any kind, including decoded Coty fragrances.

Coty Inc., et al. v. C Lenu, Inc., et al., Case No. 10-Civ-21812 (S.D. Fla. 2011).

Copyright infringement litigation for global mobility company

Defended a global mobility company in copyright infringement litigation alleging that mobile network carriers were unauthorized to distribute the plaintiffs' greeting card style MMS messages over their networks. The plaintiffs alleged that MMS is indistinguishable from peer-to-peer services such as Napster, Kazaa and Limewire that had previously been deemed by courts to be infringing. The court issued a written decision granting the carriers' motion to dismiss with prejudice, finding among other things that our client had no duty to police its network for infringing content. There are only a handful of cases that have addressed a service provider's duty to filter infringing content, and thus, the court's holding that our client has no such obligation is noteworthy. Currently on appeal to the Ninth Circuit.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Copyright Law for Trademark Lawyers: U.S. Copyright Protection for Logos Packaging and Products
Kilpatrick Townsend & Stockton LLP, April 02, 2012

The End of the Road: Terminations of Transfer Under the U.S. Copyright Act
March 09, 2012

How Social Media Tools Enable Companies to Enhance the User Experience and Improve their Brand
Technology Association of Georgia Entertainment, February 22, 2012

Digital Music Locker in Safe Harbour?
IP Update: Preferred Firms, December 01, 2011

Media Digital Distribution Issues
Entertainment, Sports & Intellectual Property Law Conference, November 12, 2011

Online Publication Subjects Foreign Author to U.S. Copyright Registration Requirement
Cyberspace Lawyer, July 01, 2011

Regarding the debate over what constitutes a "United States work" in copyright law

How Three Strikes Is Working

Managing IP Magazine, May 03, 2011

A handful of countries have implemented some form of the controversial three-strikes policy, which cuts infringers' internet access. Joe Petersen and Andrew Pequignot report on the first few cases.

The Impact of Offers of Judgment in Copyright Cases

ABA Intellectual Property Litigation Newsletter, May 01, 2011

Copyright Termination: Canary in a Coal Mine or Much Ado About Nothing

Entertainment Law Basics Boot Camp, March 29, 2011

Music Licensing in a Digital World: Recent Rate Proceedings and the Controversy Over License vs. Sale

8th Annual Entertainment Law Institute, November 19, 2010

U.S. Copyright Protection for Logos, Packaging and Products

Intellectual Property Magazine, October 01, 2010

Preview This: Music Licensing in a Mobile World

7th Annual Entertainment Law Institute, October 30, 2009

Actionable Trademark Infringement

The Intellectual Property Strategist, September 01, 2009

Online Copyright Issues for Websites Offering User-Generated Content

Intellectual Property Desk Reference, January 01, 2009

Copyright Questions and Answers

Intellectual Property Desk Reference, January 01, 2009

Harry Potter Decision Provides Guidance on Fair Use

The Intellectual Property Strategist, December 01, 2008

What You Can (and Can't) Do to Protect Your Logo

Sports Law Half Day Seminar, May 14, 2008

Mix It Up: The Briggs Case, Preemption and the DJ Drama

6th Annual Entertainment Law Institute, September 21, 2007

From Ringtones to Downloads

Copyright World, June 01, 2007

A Question of Cost: Recent Decisions on the Copyright Act

Copyright World, May 03, 2007

Valid and Correct: A Recent US Case Which Challenged the Validity of a Statute

Copyright World, March 01, 2007

Professional & Community Activities

State Bar of Georgia, Intellectual Property Law Section, Chair of Copyright Committee

Copyright Society of the USA, Southeast Chapter, Co-Chair

Education

Georgia State University, College of Law, J.D. (2006)

Georgia State University, J. Mack Robinson College of Business, M.B.A. (2006)

Tennessee Technological University, College of Engineering, B.S., Mechanical Engineering (2000)

Bar Admissions

Georgia

Court Admissions

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Northern District of Georgia

Georgia Supreme Court

Georgia Court of Appeals

Superior Court of Fulton County



Allison Scott Roach

ASSOCIATE

Suite 2800, 1100 Peachtree Street
Atlanta, GA, 30309-4528
USA
t +1 404.815.6044
f +1 404.920.3325

ARoach@kilpatricktownsend.com

Services

Intellectual Property; Trademark; Copyright; Consumer Product Safety

Industries

Entertainment, Media & Sports; Telecommunications

Allison Roach focuses her practice on trademark, copyright, and consumer product safety issues. She has experience in federal trademark, trade dress, and copyright infringement litigation, international and domestic trademark portfolio management and enforcement work, and counseling in Consumer Product Safety compliance. She also regularly practices before the Trademark Trial and Appeal Board.

Experience Highlights

Worked on teams handling the following matters:

Cabell v. Sony Pictures Entertainment, Inc.

Served as lead counsel in representing Sony Pictures Entertainment Inc., actor/writer Adam Sandler and writer Judd Apatow, et al., in a copyright, trademark and unfair competition suit in federal court in New York. The firm successfully obtained summary judgment of copyright and trademark rights on behalf of Sony Pictures Entertainment Inc., rejecting claims of film and advertising infringements and lighting the way for the movie *You Don't Mess With The Zohan*. The Court of Appeals for the Second Circuit affirmed the district court's grant of summary judgment to our client.

Cabell v. Sony Pictures Entm't, Inc. 714 F. Supp. 2d 452 (S.D.N.Y. 2010), aff'd, No. 10-2690-CV, 2011 U.S. App. LEXIS 13057 (2d Cir. June 24, 2011).

Trademark services for Fortune 500 multinational corporation

Represents a California-based *Fortune 500* multinational corporation that designs and manufactures consumer electronics and computer software products in trademark enforcement work, including lead counsel representation of client in multiple proceedings before the Trademark Trial and Appeal Board.

Esbin & Alter LLP v. Zappier et al.

Retained to defend independent software developer on a pro bono basis against former law firm employer that alleged copyright infringement, fraud, breach of fiduciary duty and trade secret theft. Negotiated a favorable settlement for the software developer that resulted in a dismissal of all claims, as well as permitting the software developer to sell the accused software product.

Esbin & Alter, LLP v. Zappier et al., No. 1:08-cv-00313 (S.D.N.Y. filed Jan. 14, 2008).

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Moral Rights and Wrongs: Conflicts in the Digital World
Journal of the Copyright Society of the USA, March 01, 2010

Digital-Age Claims for Old-World Rights
Journal of Intellectual Property Law, September 01, 2009

Oh Bother: Milne, Steinbeck, And An Emerging Circuit Split Over The Alienability of Copyright Termination Rights
Journal of Intellectual Property Law, March 01, 2007

Professional & Community Activities

Journal of Intellectual Property Law, Executive Articles Editor (2007-2008)

University of Georgia School of Law Class of 2008, President (2006-2008)

University of Georgia School of Law 2008 Legacy Class Gift Campaign, Co-Chairman (2007-2008)

Education

University of Georgia School of Law, J.D. (2008)
cum laude

University of Georgia, A.B., English and Studio Art (2005)
summa cum laude

Bar Admissions

Georgia (2008)

Court Admissions

Georgia Supreme Court (2009)

Georgia Court of Appeals (2009)

U.S. District Court for the Northern District of Georgia (2009)