

## Andrew Baum

### Partner/Retired

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New York



A retired partner and intellectual property lawyer with Foley & Lardner LLP, Andrew Baum focused his practice on trademark, unfair competition, false advertising and copyright litigation, counseling, licensing and enforcement work on Internet domain names. Andrew represented a broad cross-section of clients from the publishing, luxury goods, interactive entertainment, personnel staffing and home furnishings industries. He was a member of the firm's Trademark, Copyright & Advertising and IP Litigation Practices and the Technology Industry Team.

Prior to joining Foley, Andrew was a partner and managing principal with Darby & Darby P.C., where he represented major clients in trademark and copyright litigation, oversaw the management of international trademark portfolios, and supervised the intellectual property aspects of significant corporate transactions.

### Representative Experience

Major cases include one in which he helped lead a team which defeated a \$150 million damage claim for false advertising in a three-week jury trial, and successfully defended the verdict on appeal to the Eleventh Circuit. In 2013, Mr. Baum secured summary judgment dismissing a trademark infringement case brought against Foley's client the New York Jets. In 2014, he argued and won the appeal before the Fifth Circuit.

- *Action Ink, Inc. v. New York Jets, LLC*, 2013 U.S. Dist. LEXIS 119926 (E.D. La. 2013), *aff'd* 2014 U.S. App. LEXIS 14138 (5th Cir. 2014)
- *The Topps Company, Inc. v. Panini America, Inc.*, 113 USPQ 2d 1808 (TTAB 2015)
- *La Montre Hermes S.A. v. Michael Akkawi*, 2012 TTAB LEXIS 376 (TTAB 2012)
- *Allegiance Healthcare Corp. v. London International Group Ltd., et al*, 70 USPQ 2d 1286 (11th Cir. 2004)
- *Motion Picture Association of America, Inc. v. Respect Sportswear Inc.*, 83 USPQ 2d 1555 (TTAB 2007)

- *Merck & Co., Inc. et al v. Mediplan Health Consulting, Inc. et al*, 425 F. Supp. 2d 402 (S.D.N.Y. 2006) and 434 F. Supp. 2d 257 (S.D.N.Y. 2006)
- *Shine v. Childs*, 382 F. Supp. 2d 602 (S.D.N.Y. 2005)
- *Bruce v. Weekly World News, Inc.*, 150 F. Supp 2d 313 (D. Mass. 2001), aff'd 310 F. 3d 25(1st Cir. 2002)

## Awards and Recognition

- *The Best Lawyers in America*® in the field of trademark law since 2014
- New York Trademark Law “Lawyer of the Year” (2015) by *The Best Lawyers in America*®
- *The Legal 500* for his work in the area of intellectual property – trademarks: non-contentious (2013 – 2016)
- Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell’s peer review rating system
- *World Trademark Review*’s “WTR 1000” directory (2011 and 2012)
- One of less than 600 lawyers selected for inclusion in *The International Who’s Who of Trademark Lawyers* (2010-2013)
- *Who’s Who Legal* (2013 and 2014)
- Nominated by in-house counsel and his peers to appear in the eighth edition of the *Guide to the World’s Leading Trade Mark Law Practitioners*

## Affiliations

Mr. Baum is a panel member of the INTA Trademark Mediators Network which is an Alternative Dispute Resolution (ADR) program.

## Presentations and Publications?

- Lecturer, “Special Issues in Copyright,” IP Issues in Business Transactions PLI Seminar, January 13, 2014 and January 4, 2013
- Panel co-chair, “Managing the New Face of IP,” User-Driven IP 4.0: High Stakes. High Rewards (Foley & Lardner’s eighth annual IP conference), October 22, 2012
- Panel co-chair, “Navigating the New World of Domain Names,” The Exponential Speed of Innovation: Is IP Driving Your Business? (Foley & Lardner’s seventh annual IP conference), September 19, 2011
- In-House lecture, “What Every Lawyer Should Know About False Advertising,” June 16, 2009
- Webinar, “What You Need to Know About The DMCA,” March 17, 2009
- Lecturer, “Overcoming Ethical Challenges in IP Practice,” Intellectual Property Law Update sponsored by National Business Institute, Washington, D.C., October 17, 2008
- Panel chair, “IP Gone Wild,” Foley IP Conference “The Great Debate,” New York, September 29, 2008
- Panelist, “IP Defense and Brand Protection,” 20th Annual ALM General Counsel Conference, New York, June 9, 2008
- “Private Affairs/Public Rights: Can Copyright Be Used to Protect Newsworthy Secrets?” *Landslide*, May/June 2013

- “Limiting Discovery in TTAB Proceedings,” *IP 360*, January 20, 2012
- “Hoax Websites: Even If They Deceive, Are They Trademark Infringement?” *New York Law Journal*, January 9, 2012
- “It’s Harder Now to Protect Designs Under Trademark Law,” *The National Law Journal*, December 13, 2010
- “Incontestable Trademark Registrations: No Guarantee,” *IP 360*, November 1, 2010
- “DMCA Protection for Online Service Providers: The Safe Harbor Gets Safer,” *IP 360*, March 19, 2009
- “Protecting Architectural Works: Breaking New Ground With Familiar Tools,” *The Construction Lawyer* (ABA), October 2007

## Education

- Georgetown University (J.D., 1976)
- University of Pennsylvania (B.A., 1972)

## Admissions

- New York
- U.S. Court of Appeals for the First, Second, Fifth, Ninth and Eleventh Circuits