

Fisher Broyles

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Practice Areas: Copyright; Commercial Transactions; Entertainment & Sports; Intellectual Property; Internet & eCommerce; Litigation — Appellate; Litigation — Civil Pretrial and Trial Services; Technology; Trademark Prosecution

Bar Admissions: Massachusetts; Illinois (Inactive)

Education: Loyola University of Chicago, JD, 1982; Emory University, BA-Political Science, 1979; Northwestern University, J.L. Kellogg Graduate School of Business MBA in Marketing and Finance 1992

Experience: Digital Equipment Corporation, Worldwide Trademark/Copyright Counsel; Testa, Hurwitz & Thibault LLP; Finnegan Henderson, Farabow, Garrett & Dunner LLP; Edwards Wildman Palmer LLP; Sullivan & Worcester LLP

Larry represents clients on a variety of intellectual property matters, with a focus on: the resolution of trademark, copyright, unfair competition, advertising, publicity rights, and related disputes; strategic trademark portfolio development, management, and protection; and counseling on the use and protection of copyrighted works. His areas of industry and technical experience include information technology, search engines, e-commerce, pharmaceuticals, medical devices, consumer goods, financial services, restaurants and clubs, furniture, photography and design, food and beverage, and sports and sporting goods.

Larry assists clients in designing and implementing policies both to protect their own copyrightable works and publicity rights and to ensure the appropriate use of the copyrighted works and publicity rights of others. Larry is an experienced copyright litigator and also assists his clients in enforcing their rights via the U.S. Immigration and Customs Service.

Larry works proactively with clients to develop and implement trademark management programs designed to maximize the return on investment in both marketing and legal expenditures relating to brand management. He represents clients in trademark, unfair competition, advertising, and related disputes in

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the federal and state courts, before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office and via alternative avenues of dispute resolution such as arbitration under the ICANN Uniform Dispute Resolution Policy and proceedings before the National Advertising Division (NAD).

In his transactional practice, Larry prepares and negotiates commercial agreements involving intellectual property licensing and tech transfer, computer software, computer hardware, e-commerce, marketing and technology consulting, and other technologies. The transactions include licensing, distribution, development, SaaS, consulting, and joint venture agreements. Since 1994 he has been involved in Internet-related transactions including co-branding, joint site development, website terms of use, privacy policies, web hosting and site development, and content review and licensing.

Larry is an avid, though mediocre, golfer, likes to drive fast cars in "controlled" situations, and is enjoying his first foray into grand parenting.

Awards and Recognition

- Best Lawyers in America for Intellectual Property Litigation (2014-2019)
- World Trademark Review 1000, the World's Leading Trademark Professionals (2014-2019)
- Massachusetts Super Lawyers (2013-2019)
- Who's Who Legal--Trademarks (2014)

Representative Transactions

- Manages worldwide trademark portfolios for several large public and privately held companies
- Represented the leading daily fantasy sports provider in cases before the National Advertising Division and in providing guidance in copyright and right of publicity issues rising in the context of product development and website content clearance
- Successfully prosecuted numerous domain name disputes pursuant to Uniform Dispute Resolution Policy of the Internet Corporation for Assigned Names and Numbers
- First chair litigation counsel in several trademark infringement, unfair competition, copyright infringement and software systems failure litigation matters before the federal and state courts and the Trademark Trial and Appeal Board

- Drafted and negotiated several software consulting and end-user agreements, OEM, VAR and international distribution agreements, website development agreements, and trademark, copyright, and patent licenses
- Expert witness for the defense in a legal malpractice case and in a trademark infringement case in the United States District Court, District of Massachusetts
- Successfully represented a manufacturer of hydration and food storage products in settling a copyright and design patent infringement matter
- Represented the leading kitchen design software company as lead appellate counsel in a copyright/unfair competition case settled via mediation
- Represented an information technology and computer networking products company in defending a copyright infringement claim
- Represented a leader in the field of non-fusion spinal implant technology in a trademark infringement case
- Represented a leading manufacturer of automobile paint products in several trademark infringement cases involving counterfeit automobile paint products
- Represented a swimming pool equipment and accessories business as lead counsel first in a trademark infringement matter and later in a breach of settlement action and federal appeal arising from the original trademark infringement case
- Represented a famous instant photography and international consumer electronics company in a trademark infringement case
- Represented a financial institution as lead counsel in an in rem domain name action in Massachusetts in case of first impression under the Anti-cybersquatting Consumer Protection Act (ACPA)

Teaching Experience

- Adjunct Professor of Trademark Law, Suffolk University School of Law, 1997-2007 Publications
- Native Americans drop trademark suit against Redskins, World Intellectual Property Review, Quoted (July 3, 2017)
- Industry Reaction to SCOTUS First Amendment Decision in Matal v. Tam, IP Watchdog, Quoted (June 20, 2017)
- Washington Redskins also winners in SCOTUS Tam ruling: lawyers, World Intellectual Property Review, Quoted (June 20, 2017)

- Attorneys Cheer (and Jeer) High Court's Cheerleading Outfit Copyright Holding, Reuters Legal Solutions, Quoted (March 23, 2017)
- Trump Trademark Application Kicks Off 2020 Race, Bloomberg BNA, Quoted (January 25, 2017)
- Supreme Court Doesn't Ask About Test for Conceptual Separability in Star Athletica, Bloomberg BNA, Quoted (November 4, 2016)
- Camo, Tuxedo T-Shirt Dominate Copyright Argument, Bloomberg BNA, Quoted (October 31, 2016)
- Trademark Licensing, The Licensing Journal (April 2015)
- Extraterritorial Reach of the Lanham Act: A Viable Option, World Trademark Review (September 1, 2013)
- One Size Doesn't Fit All (Multi-Faceted Approach to IP Strategy), World Trademark Review (July 2012)
- What You Need to Know about Intellectual Property, Furniture World (July 1, 2012)
- The Real Cost of Rip-Offs, Dwell Magazine, Quoted (June 1, 2012)
- Cheaters Never Prosper....Or Do they?, Intellectual Property Magazine (June 8, 2011)
- New Cases Highlight Difficulty in Obtaining IP Protection for Furniture Design, Intellectual Property Magazine (February 5, 2011)
- 'Hot News' and News Organizations: Rights and Responsibilities, Editor & Publisher (July 14, 2010)
- What You Need to Know about Design Patents in the Furniture Industry, Furniture World (April 9, 2010)
- Copyright Protection in the Furniture Industry, Furniture World (January 5, 2010)