

# Fisher Broyles

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**Practice Areas:** Intellectual Property; Copyrights; Strategic IP Counseling; Internet & eCommerce; Technology; Trademarks

**Bar Admissions:** Texas; U.S. Dist. Ct., N. Dist. Texas

**Education:** Dedman School of Law, Southern Methodist University, J.D., cum laude, 2002; Managing Editor, Computer Law Review and Technology Journal; Southern Methodist University, B.A., Chemistry; B.S. Biology, summa cum Laude; Phi Beta Kappa, 1984

**Experience:** Thompson & Knight

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Deborah (“Debbie”) concentrates her practice on intellectual property, including trademark prosecution and counseling, licensing, software agreements, sweepstakes rules, and Internet policies. A large part of her practice involves advising clients on trademark clearance, prosecution, enforcement, and TTAB proceedings. Her practice also includes assisting clients with social media issues, copyright applications and enforcement, publicity rights, location releases, and other intellectual property matters.

Ms. Lively represents clients in a wide variety of industries including oil and gas companies, restaurant services, consumer goods, credit unions, retail sales, software development, nonprofit organizations, and amusement park services.

Since 2015, Debbie has been ranked by the World Trademark Review 1000 as one of the top trademark attorneys in Texas, having been recognized by clients as a “lightning rod for praise” and recognized for her “tenacity for making sure that every single detail in a transaction is correct.” In 2018, clients commented that “[h]er meticulous attention to detail and judicious insight make for a potent combination in all aspects of prosecution and transactional matters.” She was also selected as a Texas Rising Star 2010-2011.

- WTR 1000: The World’s Leading Trademark Professionals, World Trademark Review (2015-2020)

## Fisher Broyles

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- Member, American Bar Association; Contributing Author, Intellectual Property Section Annual Review, 2010-2011
- Member, State Bar of Texas
- Member, Dallas Bar Association; Council Member, Intellectual Property Section, 2010-2014
- Member, International Trademark Association
- Board of Directors, Duncanville Independent School District Education Foundation, 2016-2020; President, 2018; Vice President, 2017; Treasurer, 2020
- Board of Directors, The Arts Community Alliance (TACA)

### Representative Transactions

- Represented a national retail business in the prosecution and management of a large trademark portfolio for domestic and international marks
- Counseled a large entertainment venue on film production agreements, location releases, concessionaire agreements, and trademark protection and enforcement
- Represented clients in Trademark Trial and Appeal Board in numerous oppositions and cancellation proceedings
- Represented numerous clients in trademark enforcement matters
- Prepared and filed numerous UDRP complaints on behalf of trademark owners
- Advised a nonprofit organization on software development agreements
- Advised numerous corporate clients on intellectual property assets transferred or acquired through mergers and acquisitions
- Provided analysis of software licenses for a major transportation company
- Advised a national specialty pharmacy in a pharmacy management software license and support services agreement
- Negotiated publishing agreements for the numerous authors

### Presentations & Teaching Experience

- "Publicity Rights and Social Media Policies" - Presenter at the State Bar of Texas 29th Annual Advanced Intellectual Property Law Conference, San Antonio, Texas; February 17, 2016
- "Social Media at Work: #TrendingTopics" – Co-presenter before Association of Corporate Counsel in Dallas, Texas; September 29, 2015

- "Commercializing and Protecting Intellectual Property in an Increasingly Open and Fluid World" – Co-presenter at UT 32nd Annual Nonprofit Organizations Institute; January 16, 2015
- "Employees Gone Wild! Social Media and the Workplace" – Co-presenter at the BDO Mid-Year Accounting and Tax Updates Seminar Series and Women's In House Network, Presented in Austin, Dallas, and Houston, Texas; 2012
- "Trademarks and Copyrights: What You Need to Know to Protect Your Logos and Marks" - 2010 U.S. Youth Soccer Adidas Workshop, Fort Worth, Texas; February 2010

### Publications

- "Publicity Rights and Social Media Policies"; the State Bar of Texas 29th Annual Advanced Intellectual Property Law Conference, San Antonio, Texas; February 17, 2016
- "Managing Risk in 140 Characters or Less: #BrandsOnTwitter" – Co-author of article published by ACC Association of Corporate Counsel; November 2015
- "Commercializing and Protecting Intellectual Property in an Increasingly Open and Fluid World" – Co-author of article published in the Texas Tax Lawyer, Vol. 42, No. 3; Spring 2015
- "Hot News Misappropriation Claim Fails to Survive Copyright Preemption"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2011
- "CALM Act Authorizes FCC to Regulate Volume of Television Commercial Advertisements"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2011
- "New Commercial Privacy Bill of Rights Act of 2011 Introduced to Congress"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2011
- "Attempts by Facilitator to Use Facebook Pages to Divert Customers to Third-Party Commercial Sites are 'Electronic Mail Messages' for Purposes of CAN-SPAM Act"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2011
- FTC Settles with Company That Failed to Provide Sufficient Notice of Company's Disclosure of Children's Information"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2011

- "Court Rejects Transformative Use and Public Interest Affirmative Defenses Asserted in a Publicity Rights Violation"; Contributor, Annual Review of Intellectual Property Law Developments, ABA Section of Intellectual Property Law; 2010