

Fisher Broyles

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Practice Areas: Intellectual Property; Internet & eCommerce; Litigation & Risk Mgmt; Technology; Entertainment & Sports

Bar Admissions: Washington, DC

Education: Georgetown University Law Center; Rutgers University, BA, summa cum laude

Experience: E.I. du Pont de Nemours and Co., Inhouse Counsel, General Legal, Petrochemicals & Engineering Division; Faegre, Drinker Biddle & Reath, LLP - Partner, Head of Copyright Practice; U.S. International Trade Commission, Senior Investigative Attorney - Section 337 IP Investigations

Mr. Rinkerman is an intellectual property (IP) attorney whose clients range from the largest international companies to startup and medium range businesses. He represents clients in matters involving IP generation, assessment, enforcement, defense, and transactions in the areas of product design, manufacturing, distribution, retail, digital media, software, film, music, advertising and fashion. He is also an Honorary Law Professor at Queen Mary University of London School of Law where he teaches U.S. IP law, including copyrights, trademarks, trade dress, patents (design and utility), trade secrets, rights of publicity, transactions, and related unfair competition law. He has counseled and represented clients in major litigation matters involving tens of millions of dollars and has worked on establishing IP best practices and clearance opinion processes for clients, including system establishment, evaluation, and on-site or on-line training presentations for inhouse counsel, managers and designers.

Opinion Work, Due Diligence & Best Practices

A significant portion of Mr. Rinkerman's work includes the provision of legal analyses, opinions, and counseling regarding product design, packaging, advertising, IP portfolio acquisition, and IP development and adoption. The opinion work and counseling routinely include consideration of copyright, trademark, trade dress, design patent, rights of publicity and other species of IP as well as data acquisition and use. In the context of IP clearances and due diligence, Mr. Rinkerman has worked with and provided training for major U.S. and international companies with regard to designs, products, services, advertising clearance processes and best practices in, e.g., media programs, social media content, advertising, entertainment, fashion, retail, packaging and product design.

Litigation

Mr. Rinkerman's litigation experience includes patent, trademark, and copyright matters in the judiciary, at the Trademark Trial & Appeal Board, and at the U.S. International Trade Commission. As a former Senior Investigative Attorney at the U.S. International Trade Commission ("ITC"), he works closely with clients with regard to IP litigation under 19 USC §1337 ("Section 337") and has worked on major cases involving patents, trademarks, trade dress and copyrights, including the recent Converse trademark and trade dress case. He was the ITC's Investigative Attorney assigned to such high-profile investigations as *In re Certain Personal Computers and Components Thereof*, Inv. No. 337-TA-140, USITC Pub. No. 1504, 1984 WL 15659 and *In re Certain Products With Gremlins Character Depictions*, Inv. No. 337-TA-202. In almost four decades of practice, Mr. Rinkerman has worked on Section 337 investigations whose subjects have ranged from software and digital media, audiovisual works, consumer products, apparel design and fabrication, software, and semiconductor technologies.

Transaction Work

Mr. Rinkerman's transaction work includes IP licensing, transfers, development agreements, "software as a service" agreements, vendor agreements, and settlement agreements. In his transaction work, his approach includes a focus on, and integration of, the various forms of IP, including trade secrets, know how, patents, copyrights, trademarks, domain names, rights of publicity and other forms of IP protected by contract, tort law, unfair competition law and equity. He has also worked on matters involving proprietary rights, privacy and related concerns in the area of data generation, acquisition and analytics, including structuring vendor deals, outsourcing arrangements and social media programs.

Pro Bono

- IP transaction and entertainment work for a Washington, DC foundation dedicated to providing cost-free access to music education, instruments, and events for local students.
- IP transaction and entertainment work for a Virginia foundation dedicated to education regarding, and preservation of, battlefield sites related to, the 1864 Battle of Cedar Creek.

Presentations & Teaching Experience

- Honorary Professor - U.S. IP Law, Transactions and Litigation - Queen Mary University of London School of Law.
- Regularly teaches U.S. IP law, including trademark, copyright, patent, rights of publicity, unfair competition, IP contracts and transactions, and Section 337 practice and procedure, for such institutions as Queen Mary University of London School of Law ("Queen Mary") and George Mason University's Technology Management Advanced MBA Program ("GMU"). Also serves as an Adjunct Professor at New York University; taught a course on IP rights and transactions with regard to "Big Data" and analytics.

- Regularly lectures for the European Intellectual Property Institutes Network (“EIPIN”), and for other academic and industry organizations.