



Richard D. Rochford

Partner

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PRACTICES Intellectual Property, Intellectual Property Litigation, Copyright, Trade Secret Litigation, Patent Litigation, Trademarks, Advertising, Marketing, and Promotional Law, Trademark Cancellations and Oppositions, Medical Device and Technology, Retail

Chair of the firm's Intellectual Property Litigation Practice Group, Richard Rochford has been handling patent, trademark, copyright, and trade secret cases—at trial and through successful motion practice and favorable settlements—for more than 25 years. *World Trademark Review's WTR 1000* (Law Business Research) recognized Rich as one of New York's top lawyers in enforcement and litigation in 2019, noting he is hailed by clients as "a fantastic trial lawyer." Many of Rich's victories have come in all-or-nothing conflicts, for both multinational corporations and emerging companies built on innovation. Rich has served as lead counsel in more than 100 intellectual property matters in federal district courts from Oregon to Georgia, and he has argued and won many appeals in the Federal, Second, and, most recently, Third Circuit.

Owners of some of the world's most recognized brands and designs turn to Rich to protect and enforce their most valuable assets. As lead counsel, Rich has secured trial and arbitration wins in Lanham Act and false advertising matters for leading consumer products, automotive, alcoholic beverage, retail, and technology companies, including a recent jury trial victory in Philadelphia. Rich also garners successful results before the National Advertising Division.

Rich has successfully tried patent cases in the International Trade Commission and numerous federal district courts. Rich's track record of success in complex patent and trade secret lawsuits—in cases ranging from vaccines and medical devices to chemical compositions, lasers, electronics, and software—results from his ability to effectively describe sophisticated technologies and convey complicated legal concepts. According to *IAM 1000: The World's Leading Patent Practitioners* (Law Business Research), "[h]e is great at explaining issues clearly and concisely in the courtroom."

Rich has extensive experience with alternative dispute resolution, and he has served as an arbitrator and mediator in major patent, trade secret, and trademark disputes administered by CPR, the International Institute for Conflict Prevention and Resolution.

Rich taught as an adjunct professor at Syracuse University School of Law for 15 years, and he speaks regularly on intellectual property and litigation issues. He has presented at national meetings of the Intellectual Property Owners, American Chemical Society, International Trademark Association, American Bar Association, and the United States Patent and Trademark Office.

QUALIFICATIONS

EDUCATION

- J.D., Boston College Law School, 0
- A.B., Hamilton College, 0

ADMISSIONS

- District of Columbia
 - Massachusetts
 - New York
 - Virginia
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Trademark Litigation for Non-Litigators" panel, moderator, INTA Annual Meeting, Seattle, May 21, 2018.
 - "Anatomy of an IP Litigation," CLE presentation, October/November 2011.
 - "Time for Reform: Inventors should get what they invent," *Rochester Business Journal*, September 9, 2011.
 - "Lawyers in the Crosshairs: Ethical Dilemmas," CLE presentation, June 2011.
 - "Favorable Conclusion for LaserMax in Patent Infringement Litigation," *Intellectual Property Today*, February 7, 2011.
 - "Intellectual Property Litigation of the Future: Copyright and Trade Secrets," CLE presentation, May 2010.
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- American Bar Association, Intellectual Property Law Section
 - International Trademark Association, Panel of Neutrals
 - Virginia State Bar
 - District of Columbia Bar
 - Monroe County Bar Association, Volunteer Legal Services Project
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SELECTED CLIENT REPRESENTATIONS

- Represented Rev.com in a California federal court trademark infringement and unfair competition matter relating to real-time transcription technology.
- Served as lead counsel for Galderma and Nestle Skin Health in this ANDA patent infringement action. (D. Del.). The case involved Galderma's branded Oracea Product, a treatment for rosacea, and a proposed generic product called Zenavod, and involved novel issues relating to the purchase of the generic product by the branded company and various alleged license obligations, in addition to typical patent infringement issues. The case has been resolved on terms highly favorable to our client.
- Representing a telecommunications company in advertising disputes before the National Advertising Division (NAD).
- Represented the Hechinger Institute on Education and the Media, Teachers College, Columbia University, against Plaintiff's claims of defamation. The claims arose from an article in the

Hechinger Report concerning published allegations that Plaintiff forced black students in her middle school class to lie on the floor and engage in other demeaning activities during a lesson on slavery. We successfully argued that the article is protected opinion under the First Amendment, leading to dismissal of the claims. Plaintiff filed an Amended Complaint and dismissal was again confirmed.

- Brought claims in California federal court against competitors for allegedly knocking off the product design and branding of client Benebone, a leading dog chew toy brand. The claims at issue included trade dress infringement, design patent infringement, and violations of California state unfair competition laws.
- Represented Table De France in a multi-district trade dress infringement dispute relating to the swirl design on rolled wafer cookies.
- Represented Pacific Northwest College of Art against claims of copyright infringement arising from the use of music on a number of YouTube videos.
- Represented a medical company specializing in eye care products in an advertising dispute at the National Advertising Division (NAD). The parties involved are major market players with customer loyalty and trust at stake in a multibillion dollar industry that seeks to improve lives by bettering vision.
- Represented One Jeanswear Group in a trademark infringement dispute relating to its well-known Gloria Vanderbilt Amanda Jeans brand.
- Represented a Japanese consumer electronics and video game company in a copyright and trademark infringement dispute in the Central District of California.
- Represented the pharmaceutical company Galderma Laboratories, in a trademark dispute relating to its Cetaphil Restoraderm brand against an inventor who alleged ownership over the Restoraderm trademark. Plaintiff sought \$68 million in damages and a permanent injunction barring Galderma from selling Cetaphil Restoraderm. After a ten-day jury trial, secured dismissal of claims that Galderma infringed any trademark and contract rights. After appeal by the plaintiff, secured a complete victory before the Third Circuit Court of Appeals dismissing all claims against our client, Galderma.
- Represented Galderma Laboratories in a patent license agreement dispute relating to its Oracea treatment for rosacea.
- Served as lead counsel for defendant, an award winning supermarket chain, in a series of false advertising claims asserted by a competing club store before the National Advertising Division (NAD).
- *MacKenzie-Childs LLC v. MacKenzie Childs*: On behalf of plaintiff, obtained Second Circuit affirmation of ownership of the MACKENZIE-CHILDS® mark and dismissal of all counterclaims.
- *Crimson Trace, Inc. v. LaserMax, Inc.*: On behalf of defendant, invalidated plaintiff's key patents, obtained royalty-free licenses on the remaining patents in suit, and received an award of sanctions from the Federal District Court in Oregon.
- *Tierra Telecom v. Level 3 Communications, et al.*: On behalf of defendant Global Crossing, obtained transfer of this patent infringement case from Virginia to New York, leading to a successful resolution of all claims.

AWARDS AND RECOGNITION

- Recognized in the *World Trademark Review (WTR) 1000*, Globe Business Publishing Ltd, 2014-2021
- Recognized in *New York Super Lawyers*, Thomson Reuters, 2015-2020