



Richard D. Rochford

Partner

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PRACTICES Intellectual Property, Intellectual Property Litigation, Copyright, Trade Secret Litigation, Patent Litigation, Trademark and Advertising, Advertising, Marketing, and Promotional Law, Trademark Cancellations and Oppositions, Trademark Litigation, Medical Device and Technology, Retail, Media and Entertainment Litigation, Oilfield Technology, International Trade Commission Section 337 Proceedings, Litigation, Trials

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
- A.B., Hamilton College

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

Trademark/Copyright/Advertising

- S.D.N.Y.: Represented leading designer in highly publicized case involving trademark, copyright, free speech, contract, personal identity and social media issues. Case resolved with our client recovering everything: her name and identity, brands, social media accounts and dress designs. Second Circuit: In case of first impression, the Court adopted the test we advocated for determining social media account ownership, leading to the return of her valuable accounts to our designer client on remand.

- E.D.Pa.: Prevailed after 10-day jury trial against an inventor who alleged ownership of our client's valuable trademark for a popular skin care product and sought \$68 million in damages and a permanent injunction.
Third Circuit: On post-trial appeal by the inventor, the Court dismissed all claims against our client.
- S.D.N.Y.: On behalf of a well-regarded author and consultant on corporate ethics, asserted misappropriation and Lanham Act claims against a major food company and its advertising agency for copying our client's slogan and related ethos. The company stopped its infringing conduct, and the case settled favorably.
- E.D.N.Y.: Defeated motion for preliminary injunction on behalf of our major retailer client after full hearing in trademark infringement and dilution case involving store brands and slogans.
Second Circuit: Affirmed denial of preliminary injunction motion.
- W.D.N.Y.: Prevailed at trial for leading food company on Lanham Act unfair competition and misrepresentation claims involving packaging and labeling of bakery products.
Second Circuit: Affirmed trial victory and permanent injunction against the mislabeled products.
- E.D.N.Y.: Prevailed at trial of trademark and trade dress infringement case between major wine companies involving brands and labels.
- S.D.N.Y.: Prevailed at trial in trademark infringement and dilution case on behalf of leading automotive companies in case involving unauthorized use of logos.
- CPR Arbitration: Won arbitration involving dilution, trademark infringement and false advertising claims after evidentiary hearing, enabling automotive client to launch advertising campaign accompanying the introduction of its new model to the U.S. market.
- W.D.N.Y.: Prevailed after hearing in establishing client's ownership of well-known brand for decorative household furnishings.
Second Circuit: Affirmed judgment of ownership and dismissed defendant's counterclaims.
- W.D.Va.: Defeated motion for preliminary injunction asserting trademark infringement after three-day evidentiary hearing for media client.
- W.D.N.Y.: Obtained preliminary and permanent injunction after evidentiary hearing enjoining the defendants from reselling or remanufacturing our client's industry-leading products, or imitating our client's brands, trade dress or copyrighted works.
- N.D.N.Y.: Obtained preliminary and permanent injunction after evidentiary hearing in trade dress case involving playground equipment.
- N.D.N.Y.: Obtained permanent injunction after hearing in trade dress case involving pneumatic drills.
- N.D.Ga.: Obtained permanent injunction in dilution, trademark and trade dress infringement case involving film and photography products.
- S.D.N.Y.: Obtained summary judgment dismissing copyright infringement claims against a leading wine company.
- S.D.N.Y.: Obtained judgment dismissing copyright infringement claims against a leading book retailer.

- S.D.N.Y.: Obtained summary judgment dismissing copyright infringement claims involving survey maps.
Second Circuit: Affirmed summary judgment ruling.
- W.D.N.Y.: Obtained summary judgment in trade dress and design patent case involving shoes and packaging.
- Second Circuit: Obtained partial remand of a District Court Order denying preliminary injunctive relief on behalf of a major brewing company in a trademark infringement and unfair competition case. The case settled favorably on remand.
- D.Col.: Obtained summary judgment for defendant publisher in case involving compilation copyrights.
- C.D.Cal: Represented a leading consumer electronics and video game company in copyright and trademark infringement suit. Settled favorably.
- C.D.Cal: Represented a food company in a trade dress infringement suit involving cookies. Settled favorably.
- C.D.Cal: Represented a start-up dog toy company in enforcing its trade dress and design patents against a larger competitor. Settled favorably.
- N.D.Cal.: Represented a technology start-up in a trademark and unfair competition case relating to real-time transcription technology. Settled favorably.
- S.D.N.Y.: Represented a technology start-up in enforcing its trademark rights against an established competitor. Settled favorably.
- NAD: Successfully represent clients in advertising disputes, including a respected supermarket company, a medical company specializing in eye care products and a telecommunications company.

Patent/Trade Secret

- ITC: Represented a global mining company in a Section 337 Investigation involving patent infringement claims brought by a competitor. Settled favorably after trial.
- ITC: Represented a manufacturer of blood cholesterol devices in a Section 337 Investigation involving patent infringement claims against a competitor. Trial victory on infringement and validity led to the entry of an Exclusion Order against the competitor.
- D.Del.: Represented a leading skin care company in an ANDA patent infringement case presenting novel issues related to the purchase of the generic product by the branded company. Settled favorably.
- D.Del.: Represented start-up AI company in infringement actions involving patents covering large language model inventions. Settled favorably.
- E.D.Tex., W.D.OK., S.D.Cal: Represented electronics company in multi-district patent infringement litigation against ten electric utility companies. Settled favorably on the eve of trial.
- D.N.J.: Obtained summary judgment on behalf of research university in patent infringement and trade secret litigation involving microwire technology.

- D.Ore.: On behalf of a laser technology company sued for patent infringement by a larger competitor, invalidated plaintiff's key patents, obtained royalty-free licenses on the remaining patents in suit and received an award of sanctions.
- Federal Circuit: Won appeal of patent infringement action involving radar-based traffic monitoring systems.
- CPR Arbitration: Served as Arbitrator in three-week medical device patent infringement hearing involving heart stents, leading to a nine-figure award.
- CPR Arbitration: Served as Arbitrator in medical device patent infringement matter involving spine products. Case settled before hearing.
- CPR Arbitration: Obtained eight-figure award for petitioner after full hearing of patent infringement claims involving a vaccine.
- W.D.N.Y.: Represented leading consumer products company at trial of patent infringement claims against a competitor. Settled favorably after trial.
- N.D.Ill.: Represented medical device company in companion patent infringement cases against competitors. Settled favorably.
- W.D.N.C.: Prevailed at trial in patent litigation involving priority of invention between three competitors.
- Federal Circuit: Prevailed on an interlocutory appeal raising novel issues under Section 146, and again on appeal after trial.
- D.Mass.: On behalf of a leading consumer products company, defeated a preliminary injunction motion brought by a larger competitor, thereby allowing our client's innovative product to enter the market. After appeal and substantial motion practice, the case settled favorably at trial.
- D.Del./Arbitration: After an Arbitrator resolved inventorship issues in our client's favor, this competitor infringement dispute between major chemical companies settled favorably.
- D.N.H.: This patent infringement dispute involving cell propagation technology settled favorably during trial.
- N.D.Ill., N.D.Cal.: Brought patent infringement claims on behalf of technology start-up against competitors; settled favorably with royalty-bearing licenses.
- E.D.Va.: On behalf of telecommunications company, successfully resolved infringement claims related to VOIP technology.

AWARDS AND RECOGNITIONS

- Recognized in the *World Trademark Review (WTR) 1000*, Globe Business Publishing Ltd, 2014-2025
- Recognized in *New York Super Lawyers*, Thomson Reuters, 2015-2023