



Karen H Bromberg
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Practice Areas

Intellectual Property and Technology, Patent Litigation, Patent - Post-Grant Proceedings, Trade Secret and Unfair Competition, Trademark Law, Copyright Law, Due Diligence and Corporate Support, Licensing and Technology Transactions, Corporate, Privacy and Data Security, Employment Law, Employment Law - U.S., Regional Practices, Israel Practice

Education

University of Miami School of Law (J.D., *cum laude*, 1987); George Washington University (B.A., with honors, 1984)

Bar Admissions

New York State; U.S. District Courts for the Southern and Eastern Districts of New York; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Federal Circuit

Karen Bromberg is the chair of the firm's Intellectual Property and Technology group and leads the Global Privacy and Data Security practice. Her intellectual property practice focuses on litigation, counseling, and dispute resolution in all aspects of intellectual property, including patents, trademarks, trade dress, copyrights, unfair competition, trade secrets, and internet-related issues. She regularly negotiates and drafts license agreements for software and other IP assets as well as a variety of commercial agreements in support of her clients' technology transactions, including outsourcing agreements, cloud computing agreements, infrastructure agreements, distribution agreements, and partnership agreements. Karen also represents companies in connection with the due diligence review and evaluation of target companies' intellectual property assets in connection with joint ventures, asset purchases, and mergers and acquisitions.

Karen has been ranked by *Chambers USA* as a "Leading Individual" for patents each year since 2014. She has been named as an "IP Star" by *Managing Intellectual Property* each year since 2014 with recognitions for her work in patents and trademarks, included as a leading patent practitioner in Intellectual Asset Management's "Patent 1000," and recognized in *Benchmark Litigation*. Karen is a member of *Law360's* editorial advisory board for its Cybersecurity & Privacy coverage. She has been named as one of New York's *Super Lawyers* for Intellectual Property each year since 2010. Karen has been selected by *Super Lawyers* as one of the top 50 women lawyers each year since 2014 and, in 2015 and 2016, she was selected as one of the top 100 lawyers in the New York metropolitan area.

In addition to her intellectual property practice, Karen is a Certified Information Privacy Professional (CIPP) with certifications covering both U.S. and European privacy law. She advises clients on a broad range of privacy and data protection matters, including privacy policies and procedures, regulatory investigations, global compliance, cross-border data transfers, cybersecurity and network intrusion issues, and contractual issues involving privacy and security with an emphasis on litigation avoidance.

She also counsels management on a variety of employment matters, including employment contracts, severance agreements, restrictive covenants, confidentiality agreements, consulting and work for hire agreements, and best practice employment policies with a focus on litigation avoidance and strategic planning.

Prior to joining the firm, Karen served as General Counsel and Senior Vice President of Marketing at a television advertising firm where she negotiated the rights to over \$100 million in advertising properties and handled all legal aspects of the company's affairs, including all employment related matters.

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Intellectual Property and Technology Transactions and Counseling

Serves as outside counsel for Fortune 500 leading provider of risk management software in connection with the licensing of its services and development of its products.

Supervises the enforcement and policing of clients' domestic and international trademark and trade dress rights.

Serves as outside counsel on a wide variety of intellectual property issues to country's leading designer of luxury holiday collectables.

Regularly counsels clients regarding all facets of international trademark portfolio management, including developing strategic approaches to ownership, protection, and enforcement of global brands in view of applicable business objectives.

Actively supervises the management of domestic and international trademark portfolios for small and large companies in a variety of industries.

Counsels corporate clients in joint venture deals and mergers and acquisitions that are intellectual property-based.

Regularly drafts, negotiates, and enforces restrictive covenants, work for hire, and non-disclosure agreements.

Drafts and negotiates intellectual property aspects of commercial agreements in the context of joint ventures, mergers and acquisitions, as well as licenses and other arrangements relating to the marketing and distribution of consumer products and services.

Counsels clients in the licensing of their intellectual property rights.

Drafts and negotiates licensing and intellectual property transfer agreements in a broad spectrum of industries.

Consults with clients, ranging from Fortune 500s to start-ups, on intellectual property, information technology, and advertising/marketing issues.

Corporate Transactions

Representations include advising companies and investors concerning intellectual property issues, including the evaluation of target company's copyrights, trademarks and patents, confirming accuracy, preservation of rights, validity and transferability; review of its trade secrets and policies to guard against theft of trade secrets; evaluation and review of employee exit procedures and employment and consulting agreements for confidentiality provisions; research and review of IP encumbrances such as license agreements, security interests, IP liabilities, and third party rights that affect the acquired intellectual property rights.

Represented major consumer products company in acquisition by private equity fund with focus on transfer of intellectual property rights of celebrity designer; continue to serve as legal adviser to company with respect to all intellectual property and licensing issues, including enforcement of company's trademark, trade dress and copyrights, and management of worldwide trademark portfolio.

Represented leading provider of risk management software in complex debt restructuring and licensing transaction involving two major international financial institutions; continue to serve as principal outside counsel to company for all intellectual property matters including the negotiation and drafting of the company's license non-compete and non-disclosure agreements.

Represented venture capital fund in a Series A Preferred Stock investment in a company created to market and distribute proprietary cleaning products, with focus on review and evaluation of target company's copyrights, trademarks, patents, and IP strategy.

Represented partnership in the negotiation of a joint venture relating to partnership's development of a propriety software for distribution through joint venture with particular focus on securing the intellectual property rights in the software.

Represented numerous companies in connection with the due diligence review and evaluation of target companies' intellectual property assets in connection with co-branding and distribution agreements, joint ventures, asset purchases, and mergers and acquisitions.

Represented a leading provider of software relating to tax and interest recovery in connection with the sale of a division of its assets while preserving all of the company's rights to its intellectual property.

Regular representation of consumer products company in connection with the selection, maintenance, clearance, and licensing of all of its trademarks and in the drafting and negotiation of its co-branding, distribution, and supply agreements relating to its intellectual property.

Litigation

Over the course of a decade, represented the owner of the exclusive world-wide rights to over 16,000 famous boxing and sports films and tapes in the enforcement and licensing of its copyrights. Handled multiple copyright litigations, including against Turner Home Entertainment, Don King, and Don King Productions, Inc.

Represented two manufacturers and distributors of branded fragrances, cosmetics, and beauty aids in connection with multiple unfair competition, trademark, and trade dress infringement actions.

Represented numerous plaintiffs and defendants in Lanham Act violations and unfair competition claims.

Successfully resolved numerous intellectual property disputes relating to trademark and trade dress infringement, unfair competition, and licensing related matters in diverse fields such as entertainment, cosmetics, consumer products, among others.

Resolved numerous copyright infringement actions for both registered and unregistered copyrights, many involving issues such as joint ownership, fair use, public domain, independent creation, and other complex issues.

Defended and prosecuted claims concerning trade secrets and restrictive covenants in connection with departing directors, officers, and employees who compete with their former employers.

Handled United States Patent and Trademark Office proceedings in a wide array of disciplines.

Lead plaintiff and defense counsel in several patent infringement actions in various federal circuit courts in the country.

Represented parties in litigation arising from the relationships and agreements among athletes, managers, and promoters.

Activities and Affiliations

Certified Information Privacy Professional/United States (CIPP/US), and European Union (CIPP/E), and member of the International Association of Privacy Professionals

Former Co-Chair, Privacy, Big Data, and Cybersecurity Law Committee, New York Intellectual Property Law Association

Former Member, *Law360's* Cybersecurity & Privacy Editorial Advisory Board

Member, International Bar Association (Technology Law Committee)

Member, International Trademark Association

Member, New York City Bar Association (Trademarks and Unfair Competition Committee and Information Technology Law Committee)

Former Volunteer Firefighter