



T: 212.735.3067
jordan.feirman@skadden.com

Education

J.D., University of Virginia
School of Law, 2007 (Order of the Coif;
Member, *Virginia Law Review*)

B.A., Brandeis University, 2003
(*summa cum laude*)

Bar Admissions

New York

U.S. Supreme Court

U.S. Courts of Appeals for
the Second, Ninth and Federal Circuits

U.S. District Courts for the Southern
and Eastern Districts of New York

Experience

Judicial Law Clerk, Hon. Eric N. Vitaliano,
U.S. District Court for the Eastern
District of New York
(2009-10)

Jordan Feirman's primary practice focuses on intellectual property and sports litigation, with experience handling all stages of cases involving copyrights, trademarks, false advertising, unfair competition, domain names, counterfeit goods, contract and licensing disputes, and consumer class actions. Mr. Feirman also regularly represents clients in connection with intellectual property enforcement issues, risk analyses, consumer surveys, opposition and cancellation proceedings before the U.S. Trademark and Trial Appeal Board and copyright and other intellectual property issues in connection with corporate mergers and acquisitions. In recognition of his work, Mr. Feirman was named a Rising Star in IP by *Managing IP* in 2023.

Mr. Feirman currently is a member of the U.S. Amicus Subcommittee of the International Trademark Association and previously served on the Copyright and Literary Property Committee of the New York City Bar. He regularly presents on key developments in copyright and trademark law, including with respect to artificial intelligence, and has authored numerous *amicus* briefs, articles and publications addressing emerging issues in copyright, trademark and unfair competition law. Mr. Feirman co-authored the chapter on "Appeals" in the ABA Copyright Litigation Strategies treatise. In addition, he represents a variety of individuals and nonprofit organizations on a *pro bono* basis.

Significant representations include:

- Peet's Coffee, Inc. in litigating and settling disputes in federal court and the Trademark Trial and Appeal Board against Nespresso USA, Inc. and Société des Produits Nestlé S.A. concerning trademark issues, including alleged trade dress rights involving the product design of single-serve espresso capsules
- The National Hockey League in (i) litigating and settling a recent federal litigation concerning the marketing and sale of shirts featuring trademarks of the Seattle Kraken hockey club that the seller argued were protected by the First Amendment, and (ii) obtaining a permanent injunction and damages from a company that made beer steins that replicated the design of the Stanley Cup trophy, and successfully defending against that company's counter-claims challenging the league's ownership of trademarks and trade dress rights in connection with the Stanley Cup trophy
- Numerous companies, including a leading music label and a global social media platform, in connection with risk analyses and content protection strategies regarding generative and non-generative artificial intelligence models
- Metacapital Management, L.P. in a pending federal trademark infringement litigation against Meta Platforms, Inc. (Facebook)
- Matthew Bender & Company in securing dismissal of a consumer class action complaint in New York state court for alleged contractual breaches and deceptive practices regarding the company's *New York Landlord-Tenant Law* publication, and obtaining affirmance of the dismissal both in the Appellate Division and in the New York Court of Appeals
- Pinduoduo Inc. and its affiliates in securing dismissal on jurisdictional grounds of claims alleging trademark infringement and unfair competition based on activities taking place on the company's e-commerce platform, and in obtaining an award of attorneys' fees and costs against the plaintiff under the Lanham Act
- Intuitive Surgical, Inc. in pursuing counterclaims in multiple federal litigations concerning false advertising and unfair competition by companies that market so-called "repair" services for Intuitive's robotic surgical instruments

- Fresh Del Monte Produce Inc. in multiple litigations and arbitrations, including securing a favorable jury verdict and post-trial relief against Del Monte Corporation for false advertising and breach of a trademark license agreement, and enforcing Fresh Del Monte Produce Inc.'s intellectual property rights in the U.S., Europe, the Middle East and Africa
- Various multimedia companies in connection with their acquisition of large literary properties, including (i) Netflix in connection with its acquisition of Roald Dahl literary property, (ii) Embracer Group in connection with its acquisition of J.R.R. Tolkien works; and (iii) The Walt Disney Company in connection with its acquisition with Lucasfilm, Ltd.
- Collectar Biosciences Inc. in successfully resolving a dispute (which also involved the Wisconsin Alumni Research Foundation) against former personnel concerning diversion of Collectar's cancer-targeting biotechnology
- MCS Advantage, Inc. and MCS Healthcare Holdings LLC, in a Lanham Act lawsuit in Puerto Rico concerning a competitor's advertising regarding eligibility for new supplemental benefits available through Medicare
- Array Biopharma, Inc. in a New York state court action asserting that AstraZeneca AB breached a license agreement and underpaid Array in connection with the sublicensing of intellectual property rights in compounds for treatment of neurofibromatosis
- Major League Soccer in connection with a variety of intellectual property and licensing matters, including with respect to IP enforcement efforts and negotiations regarding MLS player likeness and publicity rights
- The National Football League and its member clubs in a variety of intellectual property enforcement matters as well as a federal lawsuit brought by sports photographers asserting claims including copyright infringement and violation of U.S. antitrust laws
- Red Bull North America and its corporate parent in the defense of multiple putative class actions across the country challenging the nature and content of Red Bull's advertising statements concerning its products' benefits
- MGA Entertainment Inc. in obtaining summary judgment against a claim of copyright infringement by the company's "Bratz" dolls and affirmance of that judgment on appeal
- The National Collegiate Athletic Association, National Basketball Association, National Football League, National Hockey League and Major League Baseball in federal litigation concerning the legalization of state-sponsored sports gambling in the state of New Jersey

- The National Collegiate Athletic Association, as a member of the trial team in a class action concerning the Association's rules governing amateurism and student-athlete compensation
- Jackson Hewitt Tax Service in litigating and ultimately settling a Lanham Act false advertising lawsuit against H&R Block

Recent Publications

"Video Gaming / E-Gaming Law Update," *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

"Supreme Court Holds Lanham Act Attaches Only to Liability for Domestic Uses in Commerce," *Skadden, Arps, Slate, Meagher & Flom LLP*, July 7, 2023

"How the Supreme Court's Decision in *Jack Daniel's* May Impact Certain AI-Generated Works," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 15, 2023

"Supreme Court Sharply Limits Applicability of *Rogers v. Grimaldi* Test for Trademark Infringement," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 8, 2023

"Supreme Court Addresses Copyright Fair Use Defense in *Goldsmith*," *Skadden, Arps, Slate, Meagher & Flom LLP*, May 19, 2023

"The *Vintage Brand* Decision: Should Trademark Owners be Worried?" *Reuters Legal News*, February 6, 2023

"Supreme Court Holds That Good Faith Mistakes of Law and Fact Are Protected by Copyright Registration Safe Harbor," *Skadden, Arps, Slate, Meagher & Flom LLP*, February 25, 2022

"US Supreme Court Holds That Adding '.com' to Generic Name May Create Protectable Trademark," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 30, 2020

"Blunting Copyright Enforcers' Excessive Settlement Demands," *Law360*, June 3, 2020

"US Supreme Court Strikes Down Ban of 'Scandalous' Trademarks," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 25, 2019

Selected Presentations

"Key Developments and Trends in IP Litigation," Lawline, September 14, 2023