



Brianne Polito

Associate

New York

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Brianne focuses her practice on trademark and copyright counseling, litigation, prosecution, and enforcement, including social media and domain name issues. She also handles intellectual property transactional matters, including drafting and negotiating licensing, assignment, software development, and cloud computing agreements. In addition, Brianne performs intellectual property due diligence and drafts website terms and conditions and privacy policies.

Brianne earned her law degree from the University of Pennsylvania Law School. While at Penn Law, she was a senior editor for the *Journal of International Law*, she earned a Wharton Certificate in Management, and she was a clinical student in Penn Law's Entrepreneurship Legal Clinic. She also earned a Fashion Law Certificate from the Fashion Law Institute at Fordham Law School. Prior to law school, Brianne earned her bachelor's degree from the University of Pennsylvania, where she majored in Health & Societies, with a concentration in International Health.

Experience

Successfully represented Marquee Brands, LLC in connection with its multi-million dollar acquisition of Martha Stewart Omnimedia's intellectual property rights -- including patent, trademark and copyrights pertaining to Martha Stewart and Emeril Lagasse. The project involved data privacy issues and investigating extensive worldwide intellectual property rights and employee and contractor rights.

Secured a hard-fought victory for a large costume jewelry retailer based in Paris, with stores worldwide, in a consolidated Trademark Trial and Appeal Board proceeding involving seven applications and registrations. During the course of discovery, the individual whose trademark our client opposed sued for infringement in federal court in New York, resulting in the suspension of the TTAB case. After we successfully moved for summary judgment in the infringement case (with the win being affirmed by the U.S. Court of Appeals for the Second Circuit), the TTAB proceedings resumed. We first won judgment on the pleadings with respect to a cancellation counterclaim the other side had filed, and we then secured victory for the client on its own claims in almost all respects.

Successfully represented Marquee Brands, LLC in connection with a substantial due diligence project culminating in its multi-million dollar acquisition of the outdoor sports and lifestyle brand Dakine, and all related intellectual property. The project involved investigating Dakine's extensive worldwide trademark and patent portfolio, third-party rights in Europe, employee and contractor intellectual property rights concerning copyright and patent issues in the United States and Europe, as well as data privacy issues.

Prevailed in an arbitration in which we represented a manufacturer of fire door systems that terminated an agreement under which it assisted a U.K. company in entering the U.S. market and became the exclusive licensee in the U.S for that company's products. The client terminated the agreement when the company was sold and the buyer engaged in conduct detrimental to the client, in breach of the agreement, including sharing its confidential information with a competitor. We overcame the claimant's demand for a declaration that it was not in breach of the agreement, and succeeded on a counterclaim for a declaration that the claimant was in breach and for damages.

Practice Areas

- Trademark & Copyright
- Licensing & Transfer
- Intellectual Property Litigation
- Entertainment Law

Education

- University of Pennsylvania Law School, J.D., 2014
- University of Pennsylvania, B.A., 2010

Bar Admissions

- Pennsylvania
- New Jersey

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