



Hugh J. Marbury

Member

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Practice Areas

- Intellectual Property Litigation
- Trademark & Copyright
- Intellectual Property
- Commercial Litigation

Industry Sectors

- Health Care & Life Sciences
- Venture Capital

Education

- Vanderbilt University Law School, J.D., 1995
- Pomona College, B.A., 1991

Bar Admissions

- District of Columbia
- Maryland
- New York

Court Admissions

- District of Columbia Court of Appeals
- Supreme Court of the United States
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the Southern District of New York

Awards & Honors

- Appointed to the Patent Rules subcommittee for the US District Court for the District of Maryland
- Elected to the American Law Institute
- Maryland Super Lawyer for Intellectual Property Litigation, 2009-Present
- *Best Lawyers in America* for arbitration and litigation 2013-2019
- *Baltimore's Best Lawyers*
- IP Star and Patent and Trademark Star by *Managing IP*

Hugh focuses his practice on business and intellectual property litigation. His business litigation practice focuses on complex financial transactions and commercial disputes across multiple sectors. His intellectual property litigation practice includes patent, trademark, copyright, and trade secret litigation in diverse technological areas across many industries. Hugh has more than two decades of experience utilizing his considerable knowledge to counsel clients in a wide variety of industries on critical challenges facing their businesses. With a broad range of experience in complex issues, he offers his clients a nuanced perspective on the convergence of technology, business, and law. He dispenses C-suite level guidance to large corporations confronting complicated and difficult challenges, including bet-the-company matters. He has represented a variety of clients, from corporations and professional sports franchises to investor groups and high net worth individuals, in disputes valued at more than \$4 billion. He has tried cases in federal court and has extensive arbitration and mediation experience. Hugh also obtained a secret clearance with the United States government as a result of some of his engagements.

In 2009, Hugh was elected to the American Law Institute, where he has been an active member, working on Restatement of the Law, Copyright and Restatement of the Law, Torts: Defamation and Privacy.

Pro bono is very important to Hugh. He is a founding trustee of a 501(c)(3) organization known as the Save Spriggs Farm Foundation that coordinated a number of different state, local and national funding sources to raise more than \$3 million to preserve a 50-acre farm on the Magothy River outside Annapolis. He defended a Baltimore-based Iranian Synagogue in a copyright dispute over architectural drawings for its new synagogue and serves on the Equal Justice Council for the Maryland Legal Bureau.

Hugh earned his bachelor's degree from Pomona College. Hugh earned his law degree from Vanderbilt University Law School. In 2011, Hugh participated in the Harvard Business School Law Leadership Program.

Experience

Intellectual Property and Technology

- Represented a major international defense contractor in litigation in the US District Court for the District of Columbia concerning two patents for microchannel electron magnifiers for use in night vision goggles
- Represented nine defendants in a patent infringement action in the US District Court for Maryland involving patents for nutritional supplement products for the growth and/or regeneration of cartilage
- Represented an Internet company in a patent infringement action in the US District Court for the Eastern District of Virginia involving a patent for fantasy football games
- Represented a digital satellite television service provider in patent infringement action in the US District Court for Delaware involving patents describing methods for billing and encrypting television signals

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- Represented a foreign manufacturer and a US importer of pipe bending machines in defense of a patent and trade dress infringement action in the US District Court for Maryland
- Represented a major power tools manufacturer in a patent infringement action brought against foreign manufacturers and importers of laser-aligned power tools
- Represented a Canadian technology company and its American subsidiary in a patent infringement case in the US District Court for the District of Maryland concerning telecommunications testing equipment
- Represented a large e-content provider in a copyright and breach of contract dispute in the US District Court for Maryland concerning e-audiobooks
- Represented a large Japanese technology company in an expedited international arbitration over patent licensing agreements for wireless handset technology
- Represented a major international hospitality company in a patent infringement case in the US District Court for the Southern District of New York concerning high-speed Internet service
- Represented an international architecture, engineering, and planning firm in a patent infringement case in the US District Court for the District of Maryland concerning cooling products for electrical equipment
- Represented a global consulting firm in a multimillion-dollar software licensing dispute with a major international software company
- Represented a leading provider of enterprise e-learning solutions in a patent infringement case in the US District Court for Maryland concerning the validity and enforceability of an e-learning patent
- Represented a wireless data communications technology solutions company in parallel federal court and commercial arbitration proceedings in defense of claims relating to E-911 and Location Based Services utilizing the Global Positioning Systems for wireless handsets
- Represented an international brand-name pharmaceutical company in patent litigation in Texas against two ANDA applicants for psoriasis medication
- Represented a wireless data communications technology company in an IP licensing dispute in the US District Court for the Southern District of New York
- Represented a beef cattle company in an intellectual property licensing dispute concerning the use of predictive DNA-based markers in the genetic testing of cattle
- Represented a large national software and information solutions company in a US\$6 million dispute with a defense contractor over an unsuccessful software implementation project
- Represented a multinational software and information technology business in a US\$10 million lawsuit concerning a failed software migration project
- Represented a multinational software and information technology business in a software patent infringement case in the US District Court for the Eastern District of Texas
- Represented an international technology company in a US\$500 million patent infringement and breach of contract case in the US District Court for the Southern District of New York relating to glassless 3D television technology

- Represented six Major League Baseball teams and 12 associated coaches in a \$100 million trade secret case in Florida state court relating to methods for pitching a baseball.
- Represented a multinational software and information technology company in a multi-million dollar software copyright case in the U.S. District Court for the District of Delaware.
- Represented a nationwide car wash franchise in a trademark and unfair competition lawsuit in the US District Court for Maryland

Business Disputes

- Represented a major telecommunications company in the US Bankruptcy Court for the Southern District of New York defending US\$576 million in claims relating to the design, installation, and maintenance of the New Jersey E-Z Pass system
- Represented a major telecommunications company in disputes arising out of the US\$1.75 billion divestiture of its Internet business
- Represented a major international hospitality company in the US District Courts for Massachusetts and Maryland involving allegations of unfair competition, fraud, conversion and violations of the Robinson-Patman Act concerning the operation and management of a Boston-area hotel
- Represented a major national retailer in a multi-state attorney's general investigation into the sale of tobacco products to minors
- Represented a major international hospitality company in the United States Bankruptcy Court in New York involving allegations of breach of contract, breach of fiduciary duty, fraud and antitrust claims brought by a hotel owner
- Represented a leading medical informatics solutions company in a multimillion-dollar customer dispute over Medicaid and Medicare reimbursements
- Represented a major international defense contractor in commercial arbitration concerning airborne radar jamming systems used by the US Navy and certain foreign governments
- Represented a major international defense contractor in defense of a US\$50 million claim in commercial arbitration concerning an engineering design services contract for power supplies for the CATV industry
- Assisted Senator George J. Mitchell in conducting an independent investigation concerning the alleged illegal use of performance-enhancing substances in Major League Baseball
- Represented a major international defense contractor in defense of US\$500 million defamation, tortious interference, and false light claims before courts in Maryland, the District of Columbia and New Jersey in connection with a failed multibillion-dollar toll highway project in Algeria
- Represented a leading medical informatics solutions company in US\$160 million commercial arbitration concerning breach of contract by a large Medicare Advantage health plan
- Represented the seller of a global contract research organization concerning a US\$20 million escrow dispute in the Delaware Court of Chancery private arbitration program
- Represented the seller of an integrated lighting control and energy management company to a large multi-national lighting business over a US\$7.5 million escrow dispute
- Represented the seller of a financial services technology company to an American stock exchange

concerning a US\$9 million escrow claim relating to sales and use taxes

- Represented a major global media intelligence company in defense of a US\$90 million claim for alleged violations of the Federal Communications Act, 47 USC § 605(a), and the Electronic Communications Privacy Act, 18 USC § 2511, brought by a large direct broadcast satellite company
- Represented the seller of a medical device technology company in a US\$9 million escrow dispute in the Court of Chancery in Delaware
- Represented a major healthcare company in a valuation dispute over a US\$50 million earn-out payment
- Represented a manufacturer of lithium-ion batteries in a US\$750 million fraud lawsuit in the US District Court for Maryland
- Represented a nationwide car wash franchise in a multi-million dollar indemnity dispute in the U.S. District Court for the District of Maryland relating to the purchase of two car washes.
- Represented a Maryland-based holding company in a \$900,000 earn out dispute in the Court of Chancery in Delaware.