



# Amy F. Divino

## Co-Chair, Trademark Prosecution Practice

### New York

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Amy F. Divino co-chairs the firm's trademark prosecution group. She has extensive experience in all phases of trademark law in the United States and throughout the world. Her practice is focused on trademark protection and enforcement in dozens of fields including, but not limited to, food and beverage products, apparel, jewelry and accessories, print and electronic media, entertainment services, dental products, housewares and personal care products, luxury goods, electronics, and computer hardware and software products. She represents clients in connection with counterfeiting matters, as well as with domain name infringement matters and other Internet-related issues.

Amy has transactional experience involving foreign and domestic trademark licensing and distribution agreements, as well as other agreements involving intellectual property interests. Amy counsels clients in connection with sales and distribution matters under the Trade Sanctions Reform and Export Enhancement Act of 2000, and license authorizations from the Office of Foreign Assets Control of the U.S. Department of the Treasury. Amy handles due diligence audits and provides advice in connection with merger and acquisition matters.

Amy's practice includes representing clients in *ex parte* and *inter partes* proceedings before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, as well as in litigation in federal courts and in other government and administrative venues around the world. Amy also has experience litigating matters before the National Advertising Division of the Advertising Self-Regulatory Council in the United States as well as the Canadian Food Inspection Agency. Amy has had the privilege of taking up Asian intellectual property matters with President Obama's Intellectual Property Enforcement Coordinator at the White House.

In addition to her trademark practice, Amy handles matters relating to copyright litigation, protection, and enforcement.

Amy received her Bachelor of Arts, *cum laude*, from American University in 1988 and her J.D. from Pace University School of Law in 1991. While in law school, Amy received the American Jurisprudence Award in Products Liability. Prior to entering private practice, Amy served as a law clerk to the Honorable Lawrence C. Stammelman of the New Jersey Superior Court.

### Experience

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.

### Practice Areas

- Intellectual Property
- Intellectual Property Litigation
- Trademark & Copyright
- Domains

### Industry Sectors

- Cannabis
- Food & Beverage

### Education

- Pace University School of Law, J.D., 1991
- American University, B.A., *cum laude*, 1988

### Bar Admissions

- New Jersey
- New York

### Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- New Jersey
- U.S. District Court -- Southern District of New York

### Affiliations

- International Trademark Association
- New York Intellectual Property Law Association
- Federal Bar Association
- National Association of Women Lawyers
- The Food and Beverage Association of America

### Awards & Honors

- *Lawyer Monthly*, Women in Law Award, 2017: Intellectual Property Lawyer of the Year - USA

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