

# FELDMAN GALE

INTELLECTUAL PROPERTY LAW

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## EDUCATION

- JD, Loyola Law School, 1995; Sayre Macneil Scholar; Order of the Coif; St. Thomas More Law Honor Society; Alpha Sigma Nu National Jesuit Honor Society; Law Review; Recipient of American Jurisprudence Award for Constitutional Law II
- BA, Economics and Business, University of California, Los Angeles, 1988

## COURT ADMISSIONS

- California Supreme Court
- California Court of Appeal, Second Appellate District
- United States Court of Appeals for the 9th Circuit
- United States District Court, Central District of California

**TODD M. MALYNN** is an experienced trial attorney practicing in the field of intellectual property for more than ten years. He has litigated a wide variety of intellectual property disputes, including cases involving claims of patent, trademark, and copyright infringement, false advertising, misappropriation of trade secrets, unfair competition and covenants not to compete. Mr. Malynn has represented clients before the California Supreme Court and the United States Court of Appeals for the Ninth Circuit in cases involving the enforceability of covenants not to compete. He also has considerable experience defending large advertising campaigns from claims of false advertising in civil litigation. He has also brought constitutional claims and claims under the Administrative Procedures Act against the Federal Trade Commission under *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967) and *Pearson v. Shalala*, 164 F.3d 650 (D.C. Cir. 1999). Mr. Malynn has worked with leading marketing research experts in New York and California to perform consumer surveys under the Lanham Act, including *Thermos* and *Teflon* surveys. Mr. Malynn has handled matters before self-regulatory bodies, such as the Electronic Retailing Self-Regulation Program of the National Advertising Division of the Better Business Bureaus, Inc. and the National Advertising Review Board, and before the Federal Trade Commission.

## PROFESSIONAL EXPERIENCE

- Member, Feldman Gale, P.A. (2003 to present)
- Senior Associate, Loeb & Loeb, LLP (1997 to 2002)
- Associate, Skadden Arps Slate Meagher & Flom, LLP (1995 to 1997)
- Summer Associate, Skadden Arps Slate Meagher & Flom, LLP (1994)

## ACKNOWLEDGMENTS, RECOGNITIONS AND PUBLICATIONS

- Order of the Coif
- Sayre Macneil Scholar
- St. Thomas More Law Honor Society
- Alpha Sigma Nu National Jesuit Honor Society
- Recipient of American Jurisprudence Award for Constitutional Law II
- Law Review
- *The ABC's of Antisuit Injunctions-Enforcing California's Fundamental Policy in Section 16600 Against Out-of-State Employers*, Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Vol. 12, No. 1 (Summer 2003)
- *Advanced Bionics Corp. v. Medtronic, Inc.: Preliminary Injunctions-Enforcing California's Fundamental Policy In Section 16600 Against Out-Of-State Employers*, Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Vol. 13, No. 1 (Spring 2004)

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### **REPRESENTATIVE LITIGATIONS**

- *Edwards v. Arthur Anderson LLP*, 44 Cal. 4th 937 (2008)
- *Advanced Bionics Corp. v. Medtronic, Inc.*, 29 Cal. 4th 697 (2002)
- *Klein-Becker usa, LLC v. Allergan, Inc.*, USDC, District of Utah (Case No. 2:03 CV00514DB) (protecting "*Better than Botox?*" advertising campaign)
- *In re Basic Research*, File No. 002-3300 (Docket No. 9318)

### **REPRESENTATIVE CLIENTS**

- Advanced Bionics, LLC
- St. Jude Medical S.C., Inc.
- Pacesetter, Inc.
- Exodus Film Group
- Klein-Becker USA, LLC
- Basic Research
- Obesity Research Institute, LLC