



### Matthew Ganas

Associate

[matt.ganas@dlapiper.com](mailto:matt.ganas@dlapiper.com)

#### New York

T: +1 212 335 4966

F: +1 917 778 8014

M: +1 516 313 3014

Matthew Ganas has a wide range of intellectual property and complex commercial litigation experience the areas of patent, copyright, trademark, trade secret, antitrust and right of publicity law.

Matthew regularly represents medical device manufacturers in offensive and defensive patent infringement matters involving a variety of surgical instrument technologies.

Matthew has also represented multinational sports, media, entertainment, fashion and retail, software solutions and medical device industry clients in copyright, trademark, false advertising and trade secret litigation.

Matthew also provides IP counseling and clearance advice to multimedia and retail industry clients in connection with online print and video publications, as well as corporate-sponsored social media content.

#### RELATED SERVICES

- Patent Litigation

#### RELATED SECTORS

- Media, Sport and Entertainment

## EXPERIENCE

### PATENT LITIGATION

#### MEDICAL DEVICES:

- *Ethicon Endo-Surgery, Inc., et al v. Covidien LP, et al* (D. Mass)—representing Covidien (Medtronic) in patent infringement action relating to advanced bipolar electrosurgical device technology
- *Covidien Sales LLC, et al v. Ethicon Endo-Surgery, Inc.* (S.D. Ohio)—represented Covidien (Medtronic) in successive patent infringement actions relating to ultrasonic surgical device technology
- *Covidien Sales LLC, et al v. Ethicon Endo-Surgery, Inc.* (D. Conn.)—represented Covidien (Medtronic) in patent infringement action and preliminary injunction proceedings relating to ultrasonic surgical devices
- *Tyco Healthcare Group LP, et al v. Ethicon Endo-Surgery, Inc.* (D. Conn.)—represented Tyco (now Medtronic) in patent infringement action concerning ultrasonic medical device technology
- *St. Jude Medical v. Volcano Corp.* (D. Del.)—represented St. Jude in series of offensive and defensive patent litigations relating to diagnostic cardiovascular guide wire technology, including two jury trials

#### SOFTWARE SYSTEMS:

- *WalkMe Ltd. v. Pendo.io, Inc.* (S.D.N.Y.)—representing Israel-based developer and provider of website tutorial software programs in offensive patent infringement suit against industry competitor

## COPYRIGHT ACT, LANHAM ACT AND TRADE SECRET LITIGATION

### SOFTWARE SYSTEMS:

- *PaySys International, Inc. v. Atos SE, et al.* (S.D.N.Y.)—representing Atos in copyright infringement, state law trade secret misappropriation, breach of contract and related tort action concerning credit card and payment processing software systems
- *irth Solutions, LLC v. Apex Data Solutions and Services, LLC, et al.* (W.D.N.Y.)—representing developer and provider of web-based utility location and damage prevention software platform in trade secret misappropriation (Defend Trade Secrets Act) and unfair completion action against industry competitor
- *New London Associates LLC v. Kinetic Social LLC, et al.* (S.D.N.Y.)—represented and secured favorable settlement for defendant Western Alliance Bank in copyright infringement and related tort action involving software programs developed for the online advertising industry

### MULTIMEDIA:

- *Anson v. Weinstein, et al.* (C.D. Cal.)—representing film studio Lantern Entertainment in copyright infringement action brought by *The Amityville Horror* book author's heir against producers and distributors of the film *Amityville: The Awakening*
- *Spinelli et al v. Associated Press et al.* (S.D.N.Y.)—represented AP in defense of copyright, antitrust and related tort claims brought by a group of professional sports photographers relating to licensing and use of NFL-related photographs
- *Spanski Enterprises, Inc. v. Telewizja Polska S.A.* (D.D.C.)—represented Polish public broadcaster in copyright infringement action against domestic licensee relating to geo-blocking of online video content

### BRANDING AND RETAIL:

- *AVELA et al v. Estate of Marilyn Monroe* (S.D.N.Y.)—representing the Estate of Marilyn Monroe in trademark infringement and false endorsement litigation against merchandise licensing entity

### MEDICAL DEVICES:

- *SurgiQuest, Inc. v. Lexion Medical, LLC* (D. Del.)—represented SurgiQuest (ConMed) in a Lanham Act false advertising trial involving medical device equipment used in minimally invasive surgery

## OTHER SPORTS, MEDIA AND ENTERTAINMENT LITIGATION

- *GSP Securities LLC v. Shenzhen Jie An De Enterprise Co. Ltd* (S.D.N.Y.)—Represented and secured favorable settlement for GSP in breach of contract matter relating to financial advisory and consultancy services provided to acquirers of Italian professional football club A.C. Milan S.p.A.
- *In re NCAA Student-Athlete Name & Likeness Litigation* (N.D. Cal.)—Represented third parties ESPN and ABC in antitrust and right of publicity class-action suit relating to the use of current and former student-athletes' names, images and likenesses in college sports videogames and broadcasts
- *W. Stuart Price v. William Cameron, et al and Tulsa Hoops LLC* (Okla.)—Counseled minority shareholder of women's professional basketball club in dispute against majority team owners relating to franchise relocation efforts

## CREDENTIALS

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### Admissions

- New York

### Recognitions

Matthew was the recipient of NYU Law School's Larry Fleisher Memorial Foundation Prize for extraordinary achievement in the area of Sports and Entertainment Law.

## Education

- J.D., New York University School of Law 2011  
Larry Fleisher Memorial Foundation Prize 2011 (Sport and Entertainment Law)
- B.A., Fordham University  
*cum laude*

## Courts

- United States Court of Appeals for the Federal Circuit
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York

## INSIGHTS

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### Publications

#### Stop them in their tracks: key points in seeking a preliminary injunction against medical device infringers

22 SEP 2016

Three considerations to bear in mind when bringing or defending a preliminary injunction motion in a medical device infringement case.

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#### The right of publicity in college sports

4 SEP 2013

College athletes' right-of- publicity claims have the potential to dramatically alter current business models.

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- Co-author, "Athletes' Right of Publicity Claims Directed to Sports Video Games Not Preempted by Copyright Act," *The Licensing Journal*, March 2018
- Co-author, "SCOTUS invites Solicitor General's position on copyright registration pre-suit requirement," *Media, Sports and Entertainment Online*, February 2, 2018
- Co-author, "Athletes' Right of Publicity Claims Directed to Sports Video Games not Preempted by Copyright Act," *Re:Marks on Trademark and Copyright*, January 24, 2018
- Co-author, "Rights of Publicity in Sports-Media," *Syracuse Law Review*, April 2017
- Co-author, "US Women's Soccer Dispute Could Jeopardise Rio Entry," *World Sports Law Report*, April 2016
- Co-author, "Jury Finds Singers, Robin Thicke and Pharrell Williams, Owe \$7.4M for Copyright Infringement," *Media, Sports and Entertainment Online*, March 13, 2015
- Co-author, "Do Athletes Have Rights of Publicity in Live Broadcast Footage?," *The Licensing Journal*, February 2015
- Co-author, "USA: Ninth Circuit Rejects EA's 'Incidental Use' Defense in Madden-Related Right of Publicity Suit," *Sports, Media and Entertainment Online*, January 26, 2015
- Co-author, "What MCR Innovations Teaches about the Obviousness of Design Patents in the Garment Industry," *Law A LA*

*Mode*, Issue 14, October 2014

- Author, "California Federal Court Finds that the First Amendment Does Not Preclude Sporting Event Participants from Asserting Right-Of-Publicity Claims," *Sports Litigation Alert*, May 2, 2014
- Author, California Federal Court Finds that the First Amendment Does Not Preclude Sporting Event Participants from Asserting Right-Of-Publicity Claims against Broadcasters,"*The Licensing Journal*, Volume 34, Number 6, June/July 2014
- Co-author, "Third Circuit Rejects EA's First Amendment Defense to College Athletes' Right of Publicity Claims," *Sports, Media and Entertainment Online*, May 28, 2013
- Co-author, "Kirtsaeng v. John Wiley & Sons: First sale doctrine applies to copyrighted goods first sold abroad," *Intellectual Property Update*, March 22, 2013
- Co-author, "In re NCAA Student-Athlete Name & Likeness Licensing Litigation: Antitrust Plaintiffs' Motion for Class Certification Survives Defendants' Motion to Strike," *Sports, Media and Entertainment Online*, February 12, 2013

## Events

- Panelist, "Current Intellectual Property Issues Facing the Entertainment Industry," Syracuse University College of Law's 4th Annual Entertainment and Sports Law Symposium (April 6, 2018)

## PRO BONO

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Matthew has provided pro bono legal services to non-profit New York City youth sports organizations, as well as other public interest organizations, in connection with intellectual property management, licensing and general contract matters.