



### Melissa A. Reinckens

#### Partner

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Melissa Reinckens concentrates her practice on intellectual property litigation matters involving false advertising, trademarks, trade dress, copyrights, and patents, as well as other commercial litigation matters such as right of publicity, theft of trade secrets, and complex contract disputes.

She has litigated disputes in multiple districts in federal and state courts throughout the country for multinational, public, and privately held companies in the sports, media and entertainment, consumer products, fashion and apparel, IT and software solutions, and medical device industries. She has significant trial experience taking various intellectual property matters and several complex commercial matters to trial and arbitration. Melissa has primary responsibility for handling the damages aspects of the cases on which she works and is a key strategist in this area.

Melissa is a member of DLA Piper's Fashion, Retail and Design group and Global Media, Sport and Entertainment group. She also serves as a San Diego delegate for DLA Piper's Leadership Alliance for Women (LAW), which is committed to the hiring, development and advancement of women lawyers. In 2017, Melissa was selected to participate in DLA Piper's New Perimeter program – a global pro bono initiative – where she trained a group of 30 women lawyers in Nepal on intellectual property law.

## EXPERIENCE

Representative cases include:

### FALSE ADVERTISING, COPYRIGHT, TRADEMARK, AND TRADE SECRET LITIGATION

- *Kurin v. Magnolia Medical Technologies*, Civil Action No. 18-cv-01060 (S.D. Cal.) – Representing defendant and counterclaimant Magnolia in a Lanham Act false advertising dispute
- *World Trade Centers Association Inc. v. The Port Authority of New York and New Jersey*, Civil Action No. 15-cv-07411 (S.D.N.Y.) – Defending the Port Authority of New York and New Jersey in trademark infringement action
- *Lisa Frank, Inc. v. The Orb Factory*, Civil Action No. 15-cv-00433 (D. Ariz.) – Defended Orb Factory in a trade dress and copyright dispute that resulted in a favorable settlement during trial

## RELATED SERVICES

- Intellectual Property and Technology
- Trademark and Copyright

## RELATED SECTORS

- Media, Sport and Entertainment

- *Yeti Coolers, LLC v. Home Depot U.S.A., Inc. et al*, Civil Action No. 17-cv-00342 (W.D. Tex.) – Defended Home Depot in a trade dress infringement case that resulted in a favorable settlement
- *Simoniz v. Dollar Shave Club*, Civil Action No. 16-cv-00688 (D. Conn.) – Represented Dollar Shave Club, Inc. in a pretrial victory attained with a successful motion to dismiss on standing issues in trademark infringement case
- *Ghavamedinni v. AEG Facilities, LLC et al*, Civil Action No. 17-cv-00112 (S.D. Cal.) – Defended AEG in a copyright infringement dispute that resulted in a favorable settlement
- *Lights Out Holdings, LLC v. Nike, Inc.*, Civil Action No. 14-cv-00872 (S.D. Cal.) – Defended Nike in a trademark infringement action relating to sports apparel
- *PaySys International, Inc. v. Atos SE, et al.*, Civil Action No. 14-cv-10105 (S.D.N.Y.) – Represented Atos and Worldline in copyright infringement, trade secret misappropriation, breach of contract, and related tort action concerning credit card and payment processing software; secured pre-trial dismissal of all 11 causes of action brought under federal, state and foreign law
- *SurgiQuest, Inc. v. Lexion Medical, LLC*, Civil Action No. 14-382 (D. Del.) – Represented SurgiQuest (now Conmed) in a Lanham Act false advertising case that involving medical devices used in minimally invasive surgery
- *Spanski Enterprises, Inc. v. Telewizja Polska S.A.*, Civil Action No. 12-cv-957 (D.D.C.) – Represented Telewizja Polska in copyright infringement relating to geo-blocking
- *Matrix v. Macy's Inc. et al* (C.D. Cal.) – Represented defendant Macy's in copyright infringement action relating to apparel fabric pattern that ended in a favorable settlement
- *French West v. Macy's Inc. et al* (C.D. Cal.) – Represented defendant Macy's in copyright infringement action relating to apparel fabric pattern that resulted in a favorable settlement
- *God, Gold and Moore, LLC, d/b/a Psycho Bunny v. Nike, Inc.* (S.D.N.Y.) – Represented Nike in lawsuit for trademark infringement and dilution by a men's fashion company in the United States District Court for the Southern District of New York. Successfully defeated Psycho Bunny's request for a Temporary Restraining Order and Preliminary Injunction and eventually obtained a successful settlement for Nike
- *Cambridge Pavers, Inc. v Fiber Composites, LLC et al.* (D.N.J.) – Represented defendant Home Depot in trademark infringement action that resulted in a favorable settlement
- *Thoroughbred Legends, LLC v. Walt Disney Company, American Broadcasting Companies, Inc., ESPN Productions, Inc., and Orly Adelson Productions* (N.D. Ga.) – Represented defendants in trademark and defamation action relating to a movie about the thoroughbred racehorse Ruffian
- *Samuel v. ESPN et al* (D.S.C.) – Represented ESPN in copyright infringement action over graphics used during the 2010 FIFA World Cup. After a successful summary judgment motion, Plaintiffs appealed, and the decision was affirmed by the Fourth Circuit, and cert was denied by the Supreme Court

## PATENT LITIGATION

- *Valinge Innovation AB v. Halstead New England Corp., et al*, Civil Action No. 16-cv-1082, (D. Del.) – Representing defendants Halstead and Home Depot in a patent litigation involving vinyl flooring
- *Autoloxer LLC v. Sandvik Mining and Construction USA, LLC* (E.D. Tex.) – Represented Sandvik in patent litigation that settled early and favorably for Sandvik
- Represented Sandvik in offensive patent infringement action and invalidation proceedings against its biggest competitor in China related to slurry technology
- *Alvarado Orthopedic Research, L.P. et al v. Linvatec Corporation et al*, Civil Action No. 11-cv-00246 (S.D. Cal.) – Successfully defended ConMed Linvatec in a jury trial in patent licensing dispute regarding surgical saw blades in the United States District Court for the Southern District of California
- *Ethicon Endo-surgery, Inc. and Ethicon Endo-surgery, LLC v. Covidien, Inc. and Covidien, LP*, (D. Ohio.) – Represented Covidien (now Medtronic) in patent litigation and obtained a favorable rulings in claim construction and summary judgment to defeat all nine asserted patents
- *Destination Maternity Corp. v. Target Corp.* (Ed. Pa; PTAB) – Represented Destination Maternity in patent litigation and related *Inter Partes* Review concerning maternity apparel patents
- *Echo Design Group v. Arcadia Group Ltd.* (S.D.N.Y.) – Represented defendant in patent litigation relating to touchscreen glove technology

- *Tyco Healthcare Group LP and United States Surgical Corporation v. Ethicon Endo-surgery, Inc.* (D. Conn.) - Represented Tyco (now Medtronic) in a patent litigation concerning medical device technology in the United States District Court of Connecticut, resulting in an award of damages to Tyco

## OTHER COMMERCIAL LITIGATION

- *Aquino v. Integrated Surgical, LLC et al*, Case No. 18CV322707 (Cal. State Court) – Representing Conmed in a litigation involving tortious interference with contract allegations
- *In re NCAA Student-Athlete Name & Likeness Litigation* (N.D. Cal.) – Represented third parties ESPN and ABC involving the alleged misuse of the names and likenesses of current and former NCAA Division I student athlete football and basketball players
- *White House Black Market et al v. Caché, Inc., et al.* (N.Y. State Supreme, N.Y. County) – Represented defendant Caché in theft of trade secret action relating to clothing concepts and designs
- *United Insurance Group Agency, Inc. v. Patterson et al.* (Michigan State Court) – Represented plaintiff in theft of trade secret, breach of non-compete agreement and breach of fiduciary duty action

## CREDENTIALS

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### Admissions

- California
- Massachusetts
- New York

### Prior Experience

While in law school, Melissa worked at the Equal Employment Opportunity Commission litigating cases involving federal employment discrimination laws and also as a faculty research assistant.

### Education

- J.D., Washington University School of Law 2008  
Senior Editor, *Washington University Law Review*
- B.A., Art History, The University of Chicago 2002

### Courts

- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the Southern District of California
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

## INSIGHTS

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### Publications

#### 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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### Claim to standard: simplifying patent infringement analysis?

9 Dec 2010

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- 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, "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, "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

### Previous

#### Trials in the time of COVID-19

12 November 2020 | 3:00 - 4:00 p.m. ET  
Webinar

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- Panelist, "Athlete's Rights in Evolving Sports Media," 3rd Annual Cardozo Sports Law Symposium, Benjamin N. Cardozo School of Law, March 13, 2015

## NEWS

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### DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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