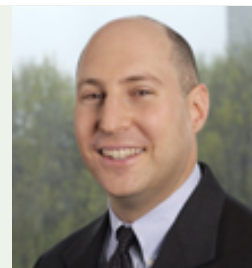


Craig S. Mende



Practice Description

Litigates and counsels on trademark, copyright, right of publicity and new media matters; drafts, negotiates and advises on trademark and copyright licenses, purchase agreements and website agreements. Anti-counterfeiting enforcement for apparel, healthcare and consumer goods marketers.

Education

Haverford College (B.A., with Honors in Philosophy, 1986); New York University School of Law (J.D., magna cum laude, 1991). Order of the Coif. Libel Defense Resources Center Fellowship, 1990-1991.

Judicial Clerkship

Law Clerk to Hon. Alan E. Norris, U.S. Court of Appeals, Sixth Circuit, 1991-1992.

Professional Activities

Member: American Bar Association (Intellectual Property Section); International Trademark Association.

Speaker: "Copyrights and Wrongs" with Brad Cohen and Charles Kolstad, California CPA Education Foundation's 2007 Entertainment Industry Conference, Beverly Hills, California, June 27, 2007; "Controlling Counterfeit Trade on the Internet" with Theodore Max, American Conference Institute's Corporate Counsel's Guide to Anti-Counterfeiting & Brand Integrity Protection conference, New York, New York, July 14, 2006.

Prior Legal Positions: Arista Records, Business & Legal Affairs Department, Counsel, 1996-97.

Cravath, Swaine & Moore, Litigation Department, Associate, 1992-94. U.S. Department of Justice Honors Program, Summer 1991.

Honors

Recognized as a copyright specialist and in the trademark litigation and dispute resolution category in the Legal 500 US Guide; Named one of the "Top 50 under 45" intellectual property lawyers by IP Law & Business, which is published by ALM, publisher of The American Lawyer.

Admissions

New York State

United States District Court for the Southern and Eastern Districts of New York

United States Court of Appeals for the Second, Sixth and Ninth Circuits

Selected Cases

Entrepreneur Media, Inc. v. EYGN Ltd., Ernst & Young LLP and Ernst & Young Advisory, Inc.,

Case No.: SACV08-0608 DOC(MLGx) (C.D. Cal. 2008) (w/D. Donahue)

In trademark case concerning the ENTREPRENEUR OF THE YEAR mark, won motion to dismiss declaratory judgment action against one Ernst & Young ("E&Y") party for lack of personal jurisdiction, and won motion to transfer the action against the remaining E&Y parties and consolidate with E&Y's infringement action in New York, in which a favorable settlement was obtained.

Troll Co. A/S v. Uneeda Doll Co.,

483 F.3d 150 (2d Cir. 2007) (w/M. Chiappetta)

In case of first impression involving "restored" copyrights in works of foreign authors, won affirmance of preliminary injunction on

behalf of owner of U.S. copyright in the famous Good Luck Troll doll against distributor of Wish-nik dolls, successfully arguing that defendant was not a "reliance party" entitled to continue selling copies of the Good Luck Troll because 9-year gap in sales showed it did not make "continuous" exploitation of the work from before it was restored.

Rhino Entertainment Co. v. DomainSource.com, Inc.,

Case No. D2006-0968 (WIPO Oct. 18, 2006)

Rhino Entertainment Co. v. Suk Min Jun,

Case No. D2006-0948 (WIPO Oct. 25, 2006)

Recovered BEEGEE.COM and BEEGEES.COM domain names in Uniform Domain Name Dispute Resolution Policy ("UDRP") proceedings from two parties using the names for websites linking to BeeGees-related sites (and others) of third parties to generate advertising or "click through" revenue.

Honeywell Int'l, Inc. v. Board of Trustees of the Univ. of Arkansas,

3:04 cv 1844 (RNC) (D. Conn. 2005) (w/M. Chiappetta)

Brought declaratory judgment action for Honeywell and defended against sovereign immunity claim by University of Arkansas, which objected to client's use of an AIRHOG air filter design mark alleged to infringe University's registered RAZORBACK mascot logos. Obtained favorable settlement.

Atari Interactive Inc. v. Frontier Developments Ltd.,

Case No. 05-CV-10300 (JES) (S.D.N.Y. 2005) (w/E. Gourvitz)

Defending copyright and contract action by videogame publisher to enjoin U.K. game developer; negotiated favorable settlement to permit distribution of challenged games.

Wyeth v. 3D Group, Inc. et al.,

Case No. JFM02CV2034 (D. Md. 2002) (w/M. Chiappetta)

Secured ex parte order to seize shipments of "Centumz" branded vitamins held to infringe client's CENTRUM mark.

Times Mirror Magazines v. Field & Stream Licenses Co.,

103 F. Supp. 2d 711 (S.D.N.Y. 2000), aff'd, 294 F.3d 383 (2d Cir. 2002) (w/R. Zissu)

Won summary judgment dismissal of claims for trademark infringement and rescission of co-existence agreements by owners of Field & Stream magazine, and award of over \$1.5 million in damages on trial of breach of contract counterclaim for Field & Stream Licenses Co.

Play Industries v. Columbia House Company,

No. CV-98-1158-GEB, aff'd 187 F.3d 648 (9th Cir. 1999) (w/M. Driscoll and R. Zissu)

Defeated preliminary injunction motion by video technology company that owned PLAY trademark to stop client's launch of a "positive option" PLAY FROM COLUMBIA HOUSE music club.

Tri-Star Pictures, Inc. v. Unger,

14 F. Supp. 2d 339 (S.D.N.Y. 1998), aff'd, 1999 U.S. App. Lexis 35320 (2d Cir. 1999) (w/R. Lehv)

On behalf of producers of film "Bridge on the River Kwai," enjoined distribution of defendant's movie under the title "Return From the River Kwai" and won award of over \$400,000 in attorney's fees after trial.

Published Works

Recent Copyright and Trademark Decisions Analyzed

Managing Intellectual Property: World IP Contacts Handbook 2006; ABA Section of International Law, International Intellectual Property Committee, 2005 Year in Review

Co-author: David A. Donahue

How the High Court Sliced the Safety Net against Knockoffs

Brandweek, August 21, 2000

Internet Links Raise Issues of Trademark, Other Liability

With G. Mitchell, New York Law Journal (Intellectual Property Supplement), May 17, 1999

Music Sampling: More Than Digital Theft?

Copyright World, Aug. 1998

Co-author: Susan Upton Douglass

Madonna and Audio Streaming: Copyright Infringement on the Internet

With M. Schwimmer, New York Law Journal (Intellectual Property Supplement), Mar. 9, 1998

Deconstructing Music Sampling

New York Law Journal (Intellectual Property Supplement), November 3, 1997

Co-author: Susan Upton Douglass

Hey They're Playing My Song! - Litigating Music Copyrights

New York Law Journal (Litigation Supplement), No. 51, July 14, 1997

Co-author: Susan Upton Douglass