



David L. Ainbender

OF COUNSEL

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RELATED SERVICES

- Environmental & Toxic Tort
- Asbestos & Talc
- Intellectual Property Litigation
- Intellectual Property Transactions

OFFICES

- San Francisco

OVERVIEW

David Ainbender is Of Counsel in the Walnut Creek office of GRSM, where he currently practices primarily with the Environmental & Toxic Tort and Tort and Product Liability practice groups.

David's litigation experience includes asbestos litigation in California and other states. He has extensive civil litigation experience, including jury and bench trials in state and federal courts. Since graduating law school in 1984, David has handled a wide variety of civil litigation matters, including tort cases, complex business and entertainment litigation, and intellectual property disputes.

Since the early 1990s, David has specialized in intellectual property law, handling trademark, copyright and related intellectual property litigation and transactional matters. He has represented and advised leading brand owners in a variety of industries and has worked extensively with major media and entertainment companies in various matters involving film, television, radio and the Internet. David handles all aspects of trademark law, including trademark clearance, registration, licensing, and

litigation in state and federal courts and the Trademark Trial and Appeal Board. In addition, he has taught trademark law as an Adjunct Law Professor at Pepperdine University School of Law, and has given numerous talks and presentations regarding trademarks and related intellectual property law.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Won jury trials, including verdict for plaintiff and award of lost profits and punitive damages in case involving loss of client's video editing business due to defendant's defective video editing equipment.
- Won bench trials, including obtaining nonsuit for defendant in complex business litigation matter involving alleged mismanagement of defunct investment trust.
- Won appeal on behalf of product manufacturer in case involving indemnification obligations for personal injury claims dependent on resolution of UCC Article 2 "battle of the forms" issue.
- Successfully opposed preliminary injunction motion brought by client's main competitor in trademark dispute over ownership of name of famous annual holiday event that would have put client out of business if it had been granted.
- Handled nationwide trademark enforcement for largest owner of radio stations across the country, and obtained preliminary injunctions against infringement of client's radio brands in major radio markets across the country. Successfully opposed cross-motion for preliminary injunction brought after client spent millions of dollars opening new radio station in defendant's broadcast market area.
- Negotiated and drafted complex multi-party agreement involving development and licensing of revolutionary, pioneering first commercial three-dimensional holographic video arcade game, "Hologram Time Traveler."
- Represented Emmy award-winning graphic designer and inventor in complex licensing and consulting deal with technology start-up company involving development and commercial exploitation of new cell phone graphical user interface design created by client.

PRESENTATIONS

- Speaker, *Internet Pop-Up Advertising & Trademark Liability*, Silicon Valley Intellectual Property Law Association, Palo Alto, California
- Speaker, *Life After Moseley: How The Federal Courts Are Applying The New Actual Dilution Requirement*, World Research Group's Trademark Law Conference for in-house counsel, "Optimizing Trademark Protection & Positioning," Atlanta, Georgia

- Speaker, *Confusing The Confused: Navigating the Murky Depths of Affiliation and Related Confusion Under Section 43(a) of the Lanham Act*, Media District Intellectual Property Bar Association, Burbank, California
- Speaker, *A Guide To The New Federal Anti-Cybersquatting Law*, Beverly Hills Bar Association
- Speaker, *Intellectual Property Law Overview For Webmasters*, Internet Society of California, Los Angeles chapter
- Speaker, *Credit Where Credit Is Due: Strategies For Recovery Of Trademark Damages For Deprivation Of Credit In Entertainment Works*, Los Angeles County Bar Association
- Speaker, *Intellectual Property Law Issues In Clearance Of Motion Pictures And Television Programs*, Thomson & Thomson special event, Los Angeles, California
- Speaker, *No Laughing Matter: Liability for Defamation and Copyright Infringement Arising From Works of Humor and Parody – A Panel Discussion Featuring Writers And Attorneys*, Los Angeles County Bar Association

CREDENTIALS

Admissions

- California
- United States District Court, Northern, Central and Eastern Districts of California

Memberships

- State Bar of California

Education

- J.D., Stanford Law School, 1984
 - Stanford Moot Court Award
 - Stanford Client Counseling Competition Award
- B.A., *summa cum laude*, History, Hofstra University, 1981
 - Phi Beta Kappa