



## Brian D. Anderson

### Associate

San Francisco  
Four Embarcadero Center  
Seventeenth Floor  
San Francisco, CA 94111

Tel: 415.774.3287  
Fax: 415.434.3947  
[banderson@sheppardmullin.com](mailto:banderson@sheppardmullin.com)

### PRACTICE AREAS

- Intellectual Property
- Entertainment, Media and Technology

### INDUSTRIES

- Advertising
- Entertainment, Media and Technology
- Outsourcing
- Sports

### OVERVIEW

Brian D. Anderson is an associate in the Intellectual Property Practice Group in Sheppard Mullin's San Francisco office. He is a member of the Entertainment, Media, and Technology Industry Team.

### Areas of Practice

Brian's practice focuses on counseling clients on legal and business issues relating to intellectual property, privacy, advertising, and commercial transactions. He works closely with clients on all aspects of protecting, exploiting, and transferring their intellectual property and various commercial transactions, including:

- complex technology, software, and media acquisition, development, distribution, licensing, and assignment agreements;
- intellectual property issues in connection with M&A and other corporate transactions;
- online and offline advertising, marketing, and branded entertainment campaigns;
- Internet and new media deals, including digital content distribution and ad-serving arrangements;
- entertainment industry, video game industry, and sports industry agreements;
- IT and business process outsourcing transactions; and
- international and domestic development, manufacturing, marketing, distribution, supply, merchandising, sales, services, gift card, and other business agreements.

His clients include leading Internet, technology, retail, grocery, and food/beverage companies.

Brian has a core strength in helping clients with federal, state, international, and industry specific privacy and data security concerns such as CAN-SPAM, COPPA, GLB, FCRA, FACTA, EU Privacy Directive, PCI standards, and online data collection and ad-serving practices; crafting website privacy policies, terms of service, and other consumer facing terms and conditions; and responding to data security breach incidents.

He assists clients in complying with state and federal regulations governing high-profile sweepstakes, contests, and other promotions; clearing advertising in all media and complying with advertising and consumer laws; structuring gift card, rebate, loyalty, and rewards programs; and representing clients in NAD advertising challenges.

With additional corporate experience, Brian advises early stage companies and

entrepreneurs on business entity formation and general corporate matters.

Brian helps clients with brand development and protection, including clearance and prosecution of domestic and foreign trademark registrations and representing clients in *inter partes* proceedings before the Trademark Trial and Appeal Board.

## EDUCATION

- J.D. University of California, Davis, 2002, *Law Review*, Co-founded the *UC Davis Business Law Journal* (<http://blj.ucdavis.edu/>) and wrote extensively on online media and advertising issues during his tenure as publisher
- B.A. University of California, Davis, 1999

## CLERKSHIPS

- Law clerk in the Summer Honors Program at the U.S. Securities and Exchange Commission, 2000

## ADMISSIONS

- California

## EXPERIENCE

### Representative Matters

Represented Yahoo! in negotiating and documenting a three-year strategic alliance with technology media company that included content licensing, Internet advertising, software distribution, and search marketing components.

Represented Adconion Media Group in its acquisition of certain intellectual property and technology assets from Joost.

Negotiated and documented numerous ad serving technology platform deals between Auditude and leading media, sports, and social networking companies.

Represented biotech company in its acquisition of certain immunotherapy technology assets from another biotech company, which included on-going licensing, royalty, and supply arrangements.

Managed due diligence and intellectual property licensing and transfer issues in connection with complex joint venture transaction to commercialize patented "green tech" building materials.

Represented fashion designer Donna Karan in a deal that launched her new iPhone application. The application allows users to scroll through fall runway looks and create a wish list that can be sent to a personal shopper at the click of an icon.

Outside counsel to leading newspaper and media company in connection with all forms of media and technology deals, including large scale IT and business process outsourcing transactions.

Outside counsel to leading social-networking, social media and other Internet companies in connection with Internet privacy (preparing Privacy Policy and Terms of Service) and copyright counseling (advising on use of user-generated and other digital media and CDA and DMCA safe-harbor provisions).

Outside counsel to national and international retailers and consumer product companies, such as Williams-Sonoma, Safeway, TaylorMade-adidas Golf, Gymboree, See's Candies, and Procter & Gamble/Wella, in connection with general business transactions, privacy and data security issues, advertising, sweepstakes, contests, and other promotions.

Represent See's Candies in connection with various commercial contracts, license agreements, advertising, and other matters, including software licensing agreements relating to the phased roll out of new point of sale software in every store location in the U.S. and the development of a mobile marketing application.

Represent TaylorMade-adidas Golf Company in connection with various commercial contracts, license agreements, privacy and data security issues, advertising, and other matters, including negotiating and drafting software development agreement for interactive in-store kiosks that help match consumers with golf products.

Outside counsel to SPIN Magazine in connection with general business transactions, copyright and publicity rights counseling, music licensing, and Internet and new media deals.

Negotiated and drafted complex joint development agreement between DHL and leading technology company regarding hybrid engine technology for use in DHL delivery trucks.

Worked on aspects of Hartle Media's acquisition from 18 Media Inc. of a controlling interest in the publications *California Home & Design* and *California Estates & Properties*.

Represented producer of professional ski and snowboard jump event "ICER AIR" in San Francisco, where 200-tons of man-made snow transform one of San Francisco's steepest streets into the site for the first of its kind urban big-air competition.

#### **MEMBERSHIPS**

- Member, International Association of Privacy Professionals (IAPP)
- Member, Sports Lawyers Association

#### **ARTICLES**

- "FTC Behavioral Advertising Privacy Principles Extend Far Beyond Current Requirements," *Media Law Resource Center Bulletin* (May 2008)
- adbriefs, Fall 2005 - present

#### **SPEECHES**

- "The Business and Legal Considerations of Cloud Computing," Law.com Panel, Panelist, April 7, 2010