



→ James G. Gatto

Partner

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Jim Gatto is a partner in the Intellectual Property Practice Group in the firm's Washington, D.C. office. He is Leader of the Blockchain & Fintech Team, Social Media and Games Team and Open Source Team.

Areas of Practice

Jim leverages his unique combination of nearly 30 years of IP experience, business insights and attention to technology trends to help companies develop IP and other legal strategies that are aligned with their business objectives. His practice focuses on all aspects of intellectual property, internet and technology law, including patent, trademark, copyright, trade secret and open source.

Jim advises clients of all sizes (startups to Fortune 100 companies) on key legal and business issues relating to the use of social media, video games, social games and online gambling (gamblification), virtual goods and currency, social networks, virtual worlds, mirror worlds, augmented reality, open source user-generated content, location-based services and gamification.

He regularly advises internet and social media companies on business and legal strategies relating to virtual goods and virtual currency, developing IP protection and monetization strategies, handling terms of service and end user license agreements, development, licensing and partnership agreements, developing DMCA policies, handling DMCA enforcement, privacy and COPPA policies and much more. Jim advises clients on intellectual property and technology agreements related to ESG and Sustainability. Among other projects, he has advised on use of blockchain for tracking and transferring carbon credits.

Jim's practice is national and international and encompasses a full range of IP and technology issues, including:

- patent, trademark, copyright and trade secret litigation;
- counseling and technology transactions;
- developing and implementing IP strategies to protect and to monetize IP assets;
- creating and implementing corporate IP programs;
- conducting IP audits;
- conducting complex patent prosecution, including patent appeals, interferences, *inter partes* review (IPRs), reissues and protests;
- handling patent enforcement issues, including licensing and litigation;

- negotiating and drafting technology agreements;
- conducting IP due diligence in and negotiating IP aspects of mergers, acquisitions and financings;
- rendering opinions concerning the infringement, validity and enforceability of patents;
- handling trademark prosecution, domain name, copyright and trade secret matters;
- handling IP aspects of employment issues;
- advising clients on legal issues associated with open source software, including open source patent issues, licensing, open source compatibility issues, indemnity issues and developing and implementing corporate policies on use of open source software;
- advising clients on the legality of cutting-edge internet business methods and technology; and
- advising clients on computer law issues such as computer fraud and abuse and SPAM-related issues.

Honors

Best Lawyers in America - Patent Law, *Best Lawyers*, 2021-2022

Cryptocurrency, Blockchain and Fintech Trailblazer, *The National Law Journal*, 2018

Thought Leader on Blockchain & Cryptocurrencies, *National Law Review*, 2018

Top Rated Lawyer, Martindale-Hubbell AV Preeminent®

Regional Legal Leader, DC/Metro, *The National Law Journal*, 2018

Technology Transactions, *Legal 500*, 2016, 2020-2021

IP Stars, *Managing Intellectual Property*, 2013-2014, 2018-2020

Intellectual Property - Northern Virginia, *Chambers USA*, 2007-2021

Patent Licensing & Transactional and Patent Prosecution, *Legal 500*, 2007-2015

IAM Strategy 250, *Intellectual Asset Management Magazine*, 2011

Greater Washington Legal Elite, *SmartCEO Magazine*, 2010

Best Intellectual Property Author, *Lexology Legal Writing Awards - US*, 2010

Legal Writing Awards Winner for Author of the Year, *Intellectual Property USA*, 2010

Super Lawyers, 2006-2008, 2010-2014, 2017-2021

Top IP/IT Attorneys in Virginia, *Virginia Business Journal Survey*

DC Area's Go-To Attorneys, *Washington SmartCEO*

Experience

Representative IP Matters and Transactions

- Represented Catalina Marketing in their acquisition of Modiv Media. The deal involved an acquisition and strategic integration of Modiv's mobile and digital technology to supplement Catalina's bricks and mortar-based targeted marketing infrastructure.
- Lead IP/tech attorney for the highly publicized, complex strategic alliance between EMC and Lenovo, relating to network servers and storage devices. The deal included M&A and ongoing strategic business agreement components, involving complex licensing, open source and IP aspects. Based on this deal, M&A Advisor

named him a winner of the 2012 “Cross-Border Deal of the Year” in its category for this work.

- Assisted VoiceBox Technologies Corp. by securing dozens of patents to protect its award-winning contextual voice technology. VoiceBox was recently named in the IEEE’s Patent Power 2013 Scorecard, an independent industry evaluation of the best patent portfolios conducted by the research firm 1790 Analytics.
- Has handled patent and IP-based sales involving hundreds of millions of dollars
- Assisted Activision on IP issues associated with its \$100 million acquisition of the Guitar Hero franchise from Red Octane
- Has successfully assisted Playfish in shutting down unauthorized secondary markets for its virtual goods and currency
- Co-lead trial team for Computer Associates, Inc., in a matter involving the divestiture of an open source software product prevailing on all substantive issues and obtaining an award of attorney’s fees
- Advised StarMine LLC from its inception on IP issues and developed and implemented IP strategy through its sale to Thomson-Reuters, Inc.
- First chaired team that obtained preliminary and permanent injunction on behalf of financial services company for a business method patent relating to the municipal bond industry
- Obtained patent for and developed successful multi-million dollar licensing program for Information Planning Management Service, Inc.
- Managed internet portfolios and assisted in IP based sale of United Toll, LLC, to a Roper Industries, Inc., entity
- Prevailed in a patent interference matter for a university professor for his Nobel-prize winning invention in the chemistry field
- First chaired team that successfully sued the U.S. Government under 28 U.S.C. § 1498 for patent infringement in the Court of Federal Claims
- First chaired team that successfully defended two patent infringement lawsuits in the internet coupon field and successfully enforced patent against a competitor in a third suit; then assisted in sale of that business to Catalina Marketing Corp.
- First chaired team that, in a declaratory judgment action filed against a California company in Asheville, NC, obtained summary judgment of infringement, validity and enforceability on behalf of a patent owner
- Successfully represented a bioinformatics company in a patent infringement lawsuit involving Oxford Gene Technology patents relating to oligonucleotide arrays
- Developed a patent portfolio, which has been successfully enforced, for pioneering semiconductor technology relating to gallium nitride based blue LEDs and blue laser devices

Articles

- Supreme Court Scraps LinkedIn Data-Scraping Decision
Bloomberg Law, 07.06.2021
- The legal considerations of esports NFTs
Esports Insider, 06.04.2021
- Will Blockchain Game Use Drive Greater Overall Blockchain Adoption?
CIO Review, 12.07.2020

- Controversial New Open Source License for Decentralized Apps Protects Users' Data and Cryptographic Keys
The Licensing Journal, June/July 2020
- Open Source-ish! What Defines Open Source Licensing and Why it Matters to Businesses
The Licensing Journal, 05.2020
- A Blow To Crypto Miners Disputing Local Energy Rates
Law360, 04.10.2020
- Blockchain Tech has Numerous Applications for Defense
National Defense, 12.2019
- Understanding Bitcoin and Virtual Currency
Lexis Practice Advisor, 12.06.2019
- Gambling Laws Have Changed A Lot In The Past Year. Here's How.
PlayUSA, 04.17.2019
- Not Every Open Source Cloud Has A Silver Lining
Law360, 03.01.2019
- INSIGHT: Interstate Online Gambling Dealt Blow by DOJ Flip Flop on Wire Act
Bloomberg, 02.14.2019
- Considering Blockchain In The Electricity Industry
Law360, 11.07.2018
- 10 Lessons On Blockchain And Open-Source Licenses
Law360, 11.01.2018
- Insight: How Blockchain Can Affect Health Care
Bloomberg Law, 06.06.2018
- Open Source Software in M&A and Finance Transactions
Thomson Reuters, 06.05.2018
- Patent Issues with Open Source Software (OSS)
Thomson Reuters, 06.05.2018
- Open Source and SaaS
Thomson Reuters, 06.05.2018
- Considerations for Developing Corporate Open Source Policies
Thomson Reuters, 06.05.2018
- Potential Repercussions of the Big Fish Decision
Extended play or game over?
Casino Journal, 05.29.2018
- Virtual Advertising: Uncharted Legal Waters
Advertising Age, 11.11.2016
- Alternative Fantasy Models Face Legal Scrutiny
Law360, 10.31.2016
- Federal Circuit Is In Sync With Patent's Validity Under Section 101
IPFrontline, 09.21.2016

- "Hospitality's Move to Mobile Raises Legal Risks"
HOTELS Magazine, 09.13.2016
- 2 Courts Dismiss Class Actions Involving Virtual Casinos
Law360, 12.01.2015
- "FTC Issues New Guidance for Mobile App Developers that Collect Location Data," *JD Supra*, February 2, 2015
- "Not So Silky Road," *JD Supra*, February 5, 2015
- "FinCEN Addresses Illegal Sports Betting," *JD Supra*, January 28, 2015
- "Court Finds Poker Game Management Patents Valid Under Section 101," *JD Supra*, November 17, 2014
- "Another Court Declares Terms of Service Provisions Unenforceable - Are Yours?" *JD Supra*, November 6, 2014
- "IRS Issues Significant Convertible Virtual Currency Ruling - Bitcoin Community Abuzz," *JD Supra*, March 28, 2014
- "More Fallout From Silk Road," *JD Supra*, January 28, 2014
- "Sacramento Kings Announce They Will Be The First Pro Sports Franchise to Accept Bitcoin," *JD Supra*, January 20, 2014
- "Taxation of Virtual Currencies," *JD Supra*, January 14, 2014
- "Does Bitcoin Violate the Stamp Payments Act?" *JD Supra*, January 10, 2014
- "Healthcare Gamification - Regulation of Wellness Programs," *JD Supra*, August 28, 2013
- "FINCEN Virtual Currency Guidance," *JD Supra*, July 5, 2013
- "Money Laundering Through Virtual Currency Provider Shut Down," *JD Supra*, May 29, 2013
- "FINRA Levies \$9 Million Fine Against Financial Service Company Over Email Failures," *JD Supra*, May 22, 2013
- "Bitcoin Exchange Assets Seized," *JD Supra*, May 20, 2013
- "DMCA Saves YouTube...Again," *JD Supra*, April 19, 2013
- "Mobile Payments Infographic," *JD Supra*, April 17, 2013
- "SEC OKs Social Media Sites for Financial Disclosures," *JD Supra*, April 3, 2013
- "FINCEN Issues Virtual Currency Regulations," *JD Supra*, March 22, 2013
- "Who Wants Money for Mobile App Development?" *JD Supra*, February 4, 2013
- "Social Media Guidance for Financial Institutions," *JD Supra*, January 30, 2013
- "Will Australia Ban Non-Real Money Gambling Apps?" *JD Supra*, January 15, 2013
- "Virtual Goods, Gaming and the Trouble With Secondary Markets," *JD Supra*, January 2013
- "Make Sure Your Virtual Currency Doesn't Enter Illegal Gambling Territory," *Paybefore Magazine*, Fall 2012

Books

- "Blockchain: A Prescription for Curing Ailments in the Healthcare Industry," *Health Law Handbook 2019 Edition*, Thomson Reuters, 2019
- Advisory Panel, *Blockchain, Virtual Currencies and ICOs - Navigating the Legal Landscape*, Wolters Kluwer, 2018

Global Trade Law Blog Posts

- "OFAC Enforcement Impacts NFTs: As Crypto Enforcement Ramps Up to Combat Ransomware, Robust Compliance is Key," November 16, 2021

Art Law Blog Posts

- "NFTs and Intellectual Property: What IP Owners and NFT Creators Need to Know," March 25, 2021
- "Protecting IP and Limiting Liability When Licensing IP for Digital Art and NFTs," March 24, 2021
- "Tokenized Art Legal Issues," February 25, 2021

Energy Law Blog Posts

- "Blockchain in the Electricity Industry: Six Items to Consider," March 30, 2020
- "Cryptocurrency Miners l"rate" At Energy Rate Decision," April 23, 2020

Class Action Defense Strategy Blog Posts

- "The Game Goes On: Sheppard Mullin Obtains Dismissal With Prejudice of Class Action Alleging Social Gaming Micro-transactions Constitute Illegal Gambling," February 8, 2016

Law of the Ledger: Blockchain Law Blog Posts

- "NFT License Breakdown: Exploring Different Marketplaces and Associated License Issues," September 16, 2021
- "The Legal Considerations of Esports NFTs," June 4, 2021
- "How to Successfully Obtain Blockchain Patents," February 25, 2021
- "Key Insights for Obtaining FinTech Patents," February 11, 2021
- "FinCEN Announces Intention to Require FBAR Reporting of Crypto Currency," January 28, 2021
- "Regulatory Approaches to the Tokenisation of Assets," January 27, 2021
- "Will Blockchain Game Use Drive Greater Overall Blockchain Adoption?" December 9, 2020
- "Fans Get Kick Out of FC Barcelona's Crypto-based Fan Token," June 23, 2020
- "Google Partners with Theta Labs as Validator Node," June 2, 2020
- "Powered by Blockchain," March 19, 2020
- "Azure Heroes – Microsoft Partners With Enjin to Offer Crypto Collectible Rewards," December 10, 2019
- "Joint Statement on Digital Assets from CFTC, SEC and FinCEN – a Warning to the Crypto Industry regarding Anti-Money Laundering and Countering the Financing of Terrorism Obligations," October 19, 2019
- "Patent Attacks Against Open Source Intensify!" October 14, 2019
- "CFTC Chairman Says Ether Is a Commodity," October 11, 2019

- "Open Source Software Policies – Why You Need Them And What They Should Include," June 18, 2019
- "FinCEN – We Will Identify Where Compliance Is Not Taking Place And Take Appropriate Action," May 14, 2019
- "FinCEN Updates Guidance on Crypto," May 10, 2019
- "Popular Open Source Software under Patent Attack," May 9, 2019
- "New Effort to Exempt Crypto Currency from Certain SEC, Tax and Other Regulatory Burdens," April 16, 2019
- "SEC Issues First No Action Letter on Crypto Tokens," April 9, 2019
- "Blockchain Games and Collectibles – Patents and Other Legal Issues," March 19, 2019
- "Not Every (Open Source) Cloud Has a Silver Lining," March 5, 2019
- "HIMMS19 Conference – Blockchain Symposium Recap," February 12, 2019
- "Smart Contract Developers – Beware and Lawyer Up!" November 27, 2018
- "10 Things to Know About The Intersection of Blockchain Technology, Open Source Software, and Patents," October 30, 2018
- "Blockchain. Bringing A Chorus of Cheers to the Music Industry," October 1, 2018
- "The Blockchain-based Supply Chain Adoption Tipping Point?," September 27, 2018
- "Court Rules Cryptocurrencies Can Be Regulated By The CFTC As Commodities," August 24, 2018
- "10 FAQs About Blockchain and Life Sciences," August 21, 2018
- "Crypto-Collectibles Phenomena Continues as MLB Hopes for Home Run," August 13, 2018
- "SEC Blockchain and Crypto Update," August 6, 2018
- "Apple Updates Cryptocurrency Aspects of App Store Review Guidelines," August 2, 2018
- "SEC Declares Ether Is Not a Security," June 14, 2018
- "Open Source Software in M&A and Finance," June 5, 2018
- "Patent Issues with Open Source Software (OSS)," June 5, 2018
- "Open Source and SaaS," June 5, 2018
- "Considerations for Developing Corporate Open Source Policies," June 5, 2018
- "Recent Blockchain Patents of Note," May 23, 2018
- "How Crypto Token Function and Transferability Could Impact Classification as a Security," May 17, 2018
- "Legal Issues with Blockchain-Based Crypto Games and Collectibles," May 1, 2018
- "Drafting Effective Blockchain Patents," April 2, 2018

Gaming and Esports Law Blog Posts

- "The Legality of Loot Boxes: A Primer," November 30, 2020
- "Is Esports Betting Sports Betting in Iowa?" June 15, 2020

Video Game Law Blog Posts

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"Laundering the Loot: Videogame Developer Valve Ends In-game Key Sales Because of Financial Criminal Activity," November 13, 2019

- "Federal Court "Discards" DOJ Interpretation Of Wire Act," June 4, 2019
- "What Game Companies Need to Know About FinCEN's Updated Guidance on Virtual Currency," May 10, 2018
- "Senator Wants to Ban Loot Boxes and Pay-to-Win Aimed at Kids," May 8, 2019
- "EU Objects to Game Companies Geo-blocking Video Games," April 12, 2019
- "DOJ Asserts Wire Act Opinion Doesn't Cover Lotteries," April 11, 2019
- "FTC Loot Box Workshop Announced," April 8, 2019
- "DOJ Sued Over its Reinterpretation of the Wire Act," February 19, 2019
- "DOJ Wire Act Update – 90 Day Window for Compliance," January 17, 2019
- "DOJ Does High "Wire Act" – Flip Flops on Legality of Online Gambling," January 16, 2019
- "All Bets are On! Gambling and Video Games," September 13, 2018
- "Is there a Unicorn Among ICO Issuers?" August 23, 2018
- "Churchill Downs Seeks En Banc Review of Big Fish Decision," May 15, 2018
- "Belgium Gaming Commission Loot Box Report – Extends Beyond Game Companies to Licensors and Game Platforms," May 14, 2018
- "Belgium Threatens Criminal Prosecution Over Loot Boxes," May 10, 2018
- "The Game Goes On: Sheppard Mullin Obtains Dismissal With Prejudice of Class Action Alleging Social Gaming Micro-transactions Constitute Illegal Gambling," May 7, 2018
- "Korean FTC Issues Fines Over Loot Box Advertising," April 24, 2018
- "Social Game Site Excludes Washington Players; Gambling Commission Comments," April 6, 2018
- "Social Casino Game Found to Be Illegal Gambling," March 29, 2018
- "Patent Strategies for Cryptocurrencies and Blockchain Technology," January 16, 2018
- "Apple Requires Disclosure of Odds for Loot Boxes," December 21, 2017
- "SEC Takes \$15 Million Bite Out of an ICO," December 12, 2017
- "The Legality of Loot Boxes – Update," November 30, 2017
- "CFTC Issues Primer on Virtual Currency, Virtual Tokens and ICOs," October 30, 2017
- "Are Loot Boxes An Illegal Gambling Mechanic?" October 24, 2017
- "PTAB Sheds Light On Video Game Patent Validity," October 23, 2017
- "Video Game Network Patent Found to Be Patent Eligible – Not an Abstract Idea," September 14, 2017
- "China Halts ICOs," September 5, 2017
- "Cryptocurrency Traders Beware – The Taxman Cometh!," August 29, 2017
- "SEC Issues Warning on Certain ICOs," August 28, 2017
- "SEC Declares That Initial Coin Offerings (ICOs) May Be Securities; Finds DAO a Security," July 27, 2017
- "Court Enjoins Milwaukee Over AR Location-based Game Ordinance," July 26, 2017

- "New Hampshire Exempts Bitcoin from Money Transmitter Regulation," June 14, 2017
- "Nevada Passes Pro-blockchain Law," June 13, 2017
- "100 Million Reasons For Open Source Compliance," May 19, 2017
- "Horsereading-based Fantasy Sports Game Found Illegal," May 17, 2017
- "Important Open Source Ruling Confirms Enforceability of Dual-Licensing and Breach of GPL for Failing to Distribute Source Code," May 15, 2017
- "AR Game Maker Launches First Amendment Challenge," April 24, 2017
- "Don't Game Your Players with False Advertising," February 15, 2017
- "Don't Lose Your DMCA Safe Harbor Protection!," November 15, 2016
- "Fantasy Stock Picking Contest Deemed by SEC to be Illegal Security-based Swaps," October 21, 2016
- "New Challenge to Daily Fantasy Sports in New York," October 10, 2016
- "Virtual Porn – Real Patent Lawsuit," September 23, 2016
- "Federal Circuit is In Sync with Patent's Validity Under Section 101," September 15, 2016
- "New York Issues DFS Permits," August, 23, 2016
- "Massachusetts Becomes Ninth State to Legalize Daily Fantasy Sports," August 17, 2016
- "New York Daily Fantasy Law Passed – But Will it Stick?," August 16, 2016
- "Compilation of Public Data Can be Trade Secret," August 12, 2016
- "LinkedIn Has Beef With Data Scraping Bots," August 11, 2016
- "NJ Gets Shut-out on Sports Betting," August 10, 2016
- "New York Legalizes Daily Fantasy Sports," August 8, 2016
- "Pokémon Go...es To Court!," August 3, 2016
- "The New Face of eSports Venues?" March 25, 2016
- "DraftKings and FanDuel to Suspend Activity in New York, Effective Immediately," March 22, 2016
- "Daily Fantasy Sports is Legalized....At least in Virginia!" March 8, 2016
- "Daily Fantasy Sports Update – DraftKings Sues Texas AG; Activity in GA and IN," March 7, 2016
- "Virginia Passage of Fantasy Sports Law Appears Imminent; PA, NY and MD Bills in the Works," February 26, 2016
- "The Game Goes On: Sheppard Mullin Obtains Dismissal With Prejudice of Class Action Alleging Social Gaming Micro-transactions Constitute Illegal Gambling," February 8, 2016
- "Rhode Island AG says Fantasy Sports is Legal but Should Be Regulated," February 5, 2016
- "Sweet Home Alabama for Daily Fantasy?" February 3, 2016
- "No Southern Hospitality for Daily Fantasy Sports in Mississippi," February 3, 2016
- "Hawaii is No Paradise for Daily Fantasy Sports – Skill Measured by Average Players, not Experts," February 1, 2016
- "Texas AG Hits Deep in the Heart of DFS," January 19, 2016

- "Serious Games Require Serious Attention to Marketing Statements," January 6, 2016
- "Daily Fantasy Legal Score: NYAG – 1; DFS Operators 1," December 11, 2015
- "New York Court Sacks Daily Fantasy Sports," December 11, 2015
- "New Fantasy Lawsuit – A Horse of Another Color?" December 7, 2015
- "NY Daily Fantasy Sports Case May Not Be Decided Solely on Whether DFS is Skill or Chance," December 4, 2015
- "Court Rules Virtual Currency Casino Not Illegal Gambling Despite Secondary Market," November 16, 2015
- "New York Sacks Daily Fantasy Sports; Gives Pass to Traditional Fantasy Sports," November 12, 2015
- "Illinois Takes Consumer-Friendly Approach to Daily Fantasy Sports Regulation," October 27, 2015
- "Nevada Shuts Down Unlicensed Daily Fantasy Sports," October 16, 2015
- "Massachusetts Joins List of States Reviewing Daily Fantasy Sports," September 18, 2015
- "Fantasy Sports Regulatory Climate – Sunny with a Chance of Clouds," September 2, 2015

Healthcare Law Blog Posts

- "HIMSS19 Kicks-Off Addressing Leading Topics in Healthcare Information Technology," February 13, 2019
- "How Blockchain Technology Brings Value to Healthcare," February 8, 2019
- "The Synaptic Health Alliance: A Look at how Blockchain Technology Could Improve Provider Data Quality," January 31, 2019

Intellectual Property Law Blog Posts

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"Artificial Intelligence (AI) Patents – Will the Patent Office Change the Rules?," January 7, 2020

Presentations

- "Legal Issues with Social Games, eSports, and Fantasy Sports," September 2015
- "Intellectual Property Protection & Licensing Strategies for Small Business," September 2015

Books

Handbook of Blockchain Law: A Guide to Understanding and Resolving the Legal Challenges of Blockchain Technology
07.16.2020

Media Mentions

Sheppard Mullin, Smith Anderson Guide NovaQuest Buy of CoreRx
Bloomberg Law, 01.22.2021

An Interview with James Gatto, Blockchain Technology and Digital Assets Attorney at Sheppard Mullin's Washington, D.C. Office

Georgetown Technology Law Technology Review, 03.2020

A Conversation with James Gatto

San Diego Blockchain Forum, 01.24.2020

Agencies, Firms Explore Applications for Blockchain Tech

ExecutiveBiz, 12.12.2019

Court OKs Copyright for Banana Costume's Artistic Features (1)

Bloomberg Law, 08.01.2019

You've Heard of Bitcoin, But What Do You Really Know About Blockchain?

IEEE local groups help demystify the technology

IEEE Spectrum, 06.25.2019

The Tate Chronicles: James Gatto on Blockchain Technology and Digital Currency

HealthcareNOW Radio, 05.05.2019

FLIR Fires Up More M&A

The Deal, 02.12.2019

Legal Compliance, Patents, and Smart Contracts – Interview With Law Firm Sheppard Mullin's Blockchain Team Leader

Jim Gatto shares his views about legal compliance in blockchain start-ups, patent applications, intellectual property, and more.

Blokt, 12.13.2018

US Social Gaming Sector Rattled by Washington Court Ruling

iGaming Times, 05.2018

Sheppard Mullin's Jim Gatto On Online Video Gaming Law and Risk

Panopticon Laboratories, 04.17.2017

Invest Time, Add Positive Energy And Give Back

Lawline, 03.16.2017

How to Make Real Money From Virtual Things

Inc. Magazine, 02.2017

Mmo Lockboxes, Keys, And Booster Packs: Gambling Or Gaming?

Massivelyop, 01.17.2017

Daily Fantasy Legalization Gains Speed But Hurdles Ahead

Law360, 08.23.2016

Sports Betting In Hands Of Congress After Court Fight Fails

Law360, 08.19.2016

Sheppard Mullin Lures 3 Pillsbury IP and Tech Partners
Law360, 06.16.2015

Video: Managing Legal Risk in Gamification
01.20.2011

Speaking Engagements

Moderator, NFTCON, "The Intersection of NFTs and Intellectual Property," October 14, 2021

Panelist, Game On! Summit, "Covering Your Digital Assets: Intellectual Property Rights and Gaming," September 29, 2021

Speaker, "Season 1, Episode 3: NFTs - Keeping it Legal! (ft. Jim Gatto)," August 20, 2021

Speaker, The Global NFT Summit, "NFTs – Keeping it Legal and Staying Compliant," July 29, 2021

Speaker, Virtual Reality Location-based Entertainment Summit, "Legal Issues to Consider in a COVID-19 World," October 15, 2020

Speaker, "Webinar on Blockchain Games, Collectibles and Markets – Keeping it Legal," Webinar, May 15, 2020

Speaker, "Using Blockchain Technologies to Streamline Contract and Supply Chain Management," Webinar, December 10, 2019

Speaker, "Overview of Cryptocurrency and Blockchain Technology," New York State Bar Association Business Law Section Fall Meeting, New York, New York, November 19, 2019

Speaker, "Blockchain Applications in the Digitization of Transport," The World Bank, Washington, D.C., October 3, 2019

Speaker, "Emerging Health Technology: Privacy and Data Protection in the Age of Digital Healthcare," VA Privacy Symposium, Webinar, September 19, 2019

"San Diego Blockchain Legal Forum," San Diego, California, June 19, 2019

Keynote Speaker, "The Big Picture: A Macro Perspective on Cryptocurrency and Blockchain," IEEE San Diego Blockchain Legal Forum, June 19, 2019

"Blockchain Music & Media," San Francisco, California, June 18, 2019

"CryptoMondays: What's so Stable about cryptocurrencies," San Francisco, California, June 17, 2019

"Blockchain-Based Securitization of Non-Liquid Assets - What You Need to Know," New York, New York, May 13, 2019

"Retail's Top 5 Legal Trends & Issues Webinar," May 9, 2019

"LA Games Conference," Los Angeles, California, May 7, 2019

Speaker, "Keeping Cryptogames, Gambling Issues and IP Legal," Crypto Games Conference, Minsk, Belarus, April 25, 2019

"Business Center for International Understanding Blockchain and Cloud Storage Forum," Washington, D.C., April 11, 2019

"Get Smart on the Law of Smart Contracts," Webinar, April 3, 2019

Speaker, "Venezuela: Cryptocurrency, Sanctions and the Current Legal Climate," D.C. Bar, March 26, 2019

"Crypto Games & Digital Collectibles," San Francisco, California, March 18, 2019

"Blockchain for International Trade and Supply Chain Logistics – Business Opportunities and Legal Concerns," March 13, 2019

"Manhattan College Blockchain Forum," New York, February 7, 2019

"The Business Opportunities and Legal Risks with Blockchain – What You Need to Know," November 29, 2018

Speaker, "Open Source Software: Guidance for Corporate and Technology Counsel on Mitigating Legal and Security Risks," Stafford Webinars, October 12, 2017

Speaker, "Serious Play Conference," George Mason University, July 18-20, 2017

Speaker, Blockchain Webinar, March 15, 2017

Speaker, Game Developers Conference/ GDC Seminar & Reception, San Francisco, California, February 27, 2017

Panelist, Fourth Annual Sports & Entertainment Law Journal Symposium, Presented by ASU, Phoenix, Arizona, November 12, 2016

Speaker, "Liability Issues in Virtual and Augmented Reality," Law Seminars International's Game Technology Conference, Seattle, Washington, October 13-14 2016

Speaker, "Virtual Reality Year in Review!" Presented by YetiZen, December 1, 2015

Panelist, "Intellectual Property & Licensing Strategies for Small Businesses WEBINAR," Center for Innovative Technology, September 10, 2015

Speaker, "The Critical Difference between eSports and Other Video Games," eSports Conference San Francisco, September 9, 2015

Speaker, "Don't gamble with your Business Model: Cutting edge legal issues and potential regulatory enforcements for social gaming, eSports and fantasy sports," Gaming NOW Summit Las Vegas, September 2, 2015

Speaker, "The Interface Evolves – Sensory Gaming Platforms," NeuroGaming Conference & Expo 2015, May 6, 2015

Speaker, "Intellectual Property Strategy for Games," Pillsbury panel discussion, February 25, 2015

Speaker, "Overview of Legal Issues with mHealth," mHealth Applications Legal Issues, February 10, 2015

Speaker, "All About Apps: Designing for Engagement & Compliance," mHealth Summit, December 10, 2014

Speaker, "Gamblification," Game Business and Legal Affairs 2014, May 19, 2014

Speaker, "The Interface Evolves – Sensory Gaming Platforms," NeuroGaming 2014 Conference & Expo, May 7, 2014

"The Real Issues with Virtual Currency," Pillsbury webinar, April 22, 2014

Speaker, "New Ideas in Bitcoin," Inside Bitcoins, April 7, 2014

Speaker, "Gamblification! Interaction between Social Games and Online Gambling," Social Gambling & Gaming Summit, December 10, 2013

"Gamblification: Gaming and Gambling Partnerships," Gamer Technology Law Conference, October 7, 2013

Speaker, "Know When to Hold 'Em," PLI's Technology and Entertainment Convergence 2013: Hot Business and Legal Issues in "Technotainment" San Francisco, California, September 18, 2013, and New York, New York, October 3, 2013

"Discussion of Due Diligence," Panel Discussion, The Power of Angel Investing Seminar, Northern Virginia Technology Council, Ashburn, Virginia, July 11, 2013

Speaker, gsummitX - Gamification, Washington, D.C., June 5, 2013

Moderator, "Gamblification! Interaction between Social Games and Online Gambling," American Bar Association Forum on the Entertainment & Sports Industries, June 10, 2013

Speaker, Social Media & Games Committee meeting and interactive workshop, 2013 World Technology Law Conference & Annual Meeting, May 3, 2013

Moderator, "The Next Interface – Sensory Gaming Platforms," NeuroGaming Conference & Expo, May 1, 2013

Speaker, "Clarifying the blurred legal boundaries between various forms of social, virtual currency, prediction, sweepstakes and other forms of gaming – what you can and can't do," Social Casino Summit San Francisco 2013, April 25, 2013

Speaker, "Gamblification: Legal Concerns," GSummit San Francisco 2013, April 18, 2013

Speaker, "Rigging the Mobile Game Deck," Casino Gaming, February 26, 2013

Speaker, "Viva Las Vegas - Monetization 3.0: Opportunities in Online Casinos and Gambling for Games and Media Companies," Games Summit at 2013 International CES, January 10, 2013

"Role of Patents in Business and the Impact of the America Invents Act," Practising Law Institute Law Audio Webcast, November 5, 2012

"Gamblification! Legal Issues Relating to the use of Gambling Mechanics for Non-Gambling Purposes," 2012 ITechLaw European Conference, October 11, 2012

Moderator, "Can Social Games be Monetised through Gambling," Social Gaming and Virtual Goods World, December 7, 2011

"Obeying the Law in a Virtual World," Social Gaming and Virtual Goods World, December 6, 2011

"Not Just Fun and Games: The Legal and Privacy Implications of Virtual Currency," Pillsbury webinar, October 24, 2011

"Derivative works based on open source," AIPLA Annual Meeting with Joint Committee Meeting ECLC and Diversity in IP Law, October 21, 2011

"Mobile and Handheld Device Gaming: Regulatory Update for Location-Based Gaming," LSI Gamer Technology Law Conference, October 3, 2011

"Top 10 Social Media Legal Issues: What Every Lawyer Should Know," MCLE Marathon, September 27, 2011

"Social Media for Nonprofits & Associations," WMACCA Nonprofit Series, May 26, 2011

"Social Media for Nonprofits: Leveraging the Opportunities and Avoiding the Legal Pitfalls," The Kreeger Museum, April 14, 2011

Webinar: "Top Social Media Legal Issues," March 22, 2011

"Legal Issues in Gamification," Engage! Expo New York, February 15, 2011

"Social Media & Location-based Services: New Risks," Webinar, February 2, 2011

"Top Legal Issues in Gamification," The Gamification Summit, January 19, 2011

"Overview of Legal Issues with Virtual Currencies," Virtual Goods World – Europe, November 16, 2010

"Legal Issues with Virtual Worlds, Virtual Goods and Virtual Currencies," PLI Technology and Entertainment Convergence 2010: Hot Business and Legal Issues in "Technotainment," San Francisco, September 22, 2010

"Virtual Worlds in Government Contracting," Pillsbury's Northern Virginia office, June 8, 2010

"ABCs of Social Gaming," Pillsbury's Silicon Valley office, June 1, 2010

"Top Legal and Business Issues with Virtual Worlds," Engage Expo New York, February 16, 2010

- "Top Legal and Business Issues with Virtual Worlds," Engage Expo California, September 23, 2009
- "Intersecting Interests: Virtual Worlds and the Law," Metanomics stage in Second Life, May 20, 2009
- "What Actual Companies Need to Know About Virtual Worlds," Pillsbury MCLE Marathon, Houston, May 18, 2009
- "Virtual Worlds," 2009 ITechLaw Annual Meeting, Seattle, Washington, May 14, 2009
- "Overview of Business and Legal Issues with Virtual Worlds," Pillsbury Northern Virginia, May 12, 2009
- "What Actual Companies Need to Know About Virtual Worlds," Pillsbury MCLE Marathon, Northern Virginia, April 28, 2009
- "What Actual Companies Need to Know About Virtual Worlds," Pillsbury MCLE Marathon, New York, New York, February 19, 2009
- "Do You Truly Own What You Are Licensing? What Every Licensor and Licensee Needs to Know About Open Source Code," Advanced Forum on Technology Licensing Agreements, ACI, April 29, 2008
- Presenter, "Business Aspect of Patents: A Primer for the Non-Patent Lawyer," CLE Marathon hosted by Pillsbury, New York, New York, April 10, 2008
- "Overlooked Intellectual Property Issues: Avoiding Pitfalls that Impact Commercialization," USIC (United States Industry Coalition), Arlington, Virginia, March 5, 2008
- "Significant Recent Events in the Open Source World," Open Source Seminar, McLean, Virginia, January 10, 2008
- "Essentials of Patent Law for General Litigators," CLE event hosted by Pillsbury, New York, New York, November 5, 2007
- "Navigating The New Patent World And Understanding USPTO Proposed Reforms," Panel Discussion, Patent Strategies Conference: Implementing Successful Approaches to IP Protection While Maximizing Business Value, IQPC, New York, New York, September 26, 2007
- Presenter, "GPLv3 Has Been Released - Do You Know How the Significant Changes Will Impact You?" IPC Fall Meeting, AIA (Aerospace Industries Association), Arlington, Virginia, September 25, 2007
- "GPLv3 Has Been Released – Do You Know How the Significant Changes Will Impact You?" Open Source Seminar hosted by Pillsbury, McLean, Virginia, July 24, 2007
- "What Venture Capitalists and Other Investors Look for in IP Portfolios," Technology IP Due Diligence Conference, ACI, San Francisco, California, June 22, 2007
- "Digital Media Patents for Profit," The Business & Technology Of Online Video, Streaming Media East 2007 Conference & Exhibition, New York, New York, May 15, 2007
- Presenter, "Director and Officer Liability for Infringement of Intellectual Property: One More Reason for Effective IP Management," CLE Marathon hosted by Pillsbury, New York, New York, April 11, 2007

Moderator, "The Business Case For/Against Using Open Source in Your Portfolio and Your Client's Processes," Software IP Strategy Summit, ACI, Palo Alto, California, February 21, 2007

Panelist, "Power of Angel Investing," IP Due Diligence, University of Virginia in conjunction with the Virginia Active Angel Network, October 9, 2006

"GPLv3 – What You Need to Know About the Coming Changes," Open Source Seminar hosted by Pillsbury, McLean, Virginia, September 7, 2006

"Patents and Open Source - The Sky is Not Falling," C3 Expo, New York, New York, June 2006

"Recent Developments in Open Source," Open Source Seminar hosted by Pillsbury, McLean, Virginia, April 6, 2006

"Legal Issues in Open Source," Open Source Licensing: A Doorway to Heaven or Hell?, CLE Spring Training; ACC (Association of Corporate Counsel), San Francisco, California, March 23, 2006

"Protection in the World of Open Source: Best Practices for Mergers and Acquisitions in an Open World," Open Bar, Silicon Valley, California, June 2, 2005

"Legal Issues and Business Ramifications of Open Source Software," Breakfast Briefing hosted by Pillsbury Winthrop LLP, McLean, Virginia, January 6, 2005

Moderator & Panelist, "Legal and Regulatory Aspects of Bioinformatics," Infotech Pharma Conference, London, February 12, 2002

"Legal Aspects of Applying Bioinformatics to Personalized Medicine," BioFuture Conference, Vancouver, Canada, November 21, 2002

"IP Issues for Nanotech Start-Ups," International Conference on Computational Nanoscience and Nanotechnology, San Juan, Puerto Rico, April 22, 2002

"What Businesses Need to Know About The Value of Patents - a US and Israeli Perspective," Virginia Israel Technology & Trade Summit, Reston, Virginia, 2001

"The Impact of Open Source Software on University IP Revenue," delivered to Board of Directors, Virginia Tech Intellectual Properties, Virginia Polytechnic Institute and State University, Virginia, January 28, 2002

"Intellectual Property as Collateral in Secured Transactions," Commercializing Intellectual Property Conference, Law Seminars International, Virginia, May 29, 2003

Panelist, "Salvaging Value of IP from Troubled Companies," Business Seminar Co-Hosted By Chevy Chase Bank, Chevy Chase, Maryland, May 15, 2003

Events

65th Annual IP Law Conference
Copyright: The New Normal
Virtual, 11.04.2021

NFTs & The Future of the Music Legal Landscape
Webinar, 10.27.2021

Think Like a Lawyer, Talk Like a Geek 2021: Get Fluent in Technology
Live Webcast and In-Person, 10.15.2021

NFTCON Day 3
The Intersection of NFTs and Intellectual Property
Webinar, 10.14.2021

Emerging Legal Issues Related to Technology
Non-Fungible Tokens (NFT) and Intellectual Property Intersection: Licensing, Monitoring, and Enforcement
Strategies
Live Webcast, 10.08.2021

Game On! Summit 2021
Covering Your Digital Assets: Intellectual Property Rights and Gaming
Online, 09.29.2021

2021 ABA-IPL IP Fall Institute
Virtual, 09.29.2021

NFTs – Keeping it Legal and Staying Compliant
The Global NFT Summit
Online, 07.29.2021

AdTech Trends: NFTs, First Party Data and the Crumbling Cookie
Webinar, 06.16.2021

NFTs, Digital Art & Blockchain Games, Oh My!
CGC|NFT 2.0
Webinar, 06.10.2021

NFTs: The Latest Craze in Creative Works and Cryptocurrency... But What About Copyright?
Copyright Society's Virtual Annual Meeting
06.09.2021

Demystifying NFTs: Defining Non-Fungible Tokens and Their Unique Legal Considerations
Lawline Pre-Recorded Webcast
05.24.2021

NFT and Intellectual Property Intersection: Licensing, Monitoring, Enforcement Strategies
Strafford Webinar
05.12.2021

The Rise of NFT's Gaming Brings Blockchain Mainstream
LA Game Online Conference
05.11.2021

The NFT Revolution: Opportunities and Risks in the Music Industry
Midem Digital
04.22.2021

Art & Music and NFT Boom: What and How Intellectual Property Rights Are Implicated
Beverly Hills Bar Association Entertainment Law Section
04.05.2021

Blockchain and Entertainment Webinar Series - Blockchain and Art
Part 2 of 3
Webinar, 03.10.2021

Blockchain and Entertainment Webinar Series
Webinar, 02.04.2021

An Open Source Update
ITechLaw Webinar
09.10.2020

Women in Healthcare Leadership Collaborative (WHLC) Presents: Blockchain for Healthcare: An Algorithm for Success?
Webinar, 07.28.2020

POSTPONED: Women in Healthcare Leadership Collaborative (WHLC) Presents:
Blockchain for Healthcare: An Algorithm for Success?
Sheppard Mullin, New York

San Diego Blockchain Forum
12.12.2019

Cannabis Webinar Wednesday: Blockchain and Cannabis – Weeding through the Hype
11.20.2019

Webinar - Government Use of Blockchain: What Government Contractors Need to Know
via GlobalMeet, 11.13.2019

Blockchain Enabled Innovation - Crypto and Beyond
International Technology Law Association Conference
October 30 - November 1, 2019

AIPLA CLE Webinar: Hot IP Topics with Games
09.18.2019

San Diego Blockchain Legal Forum
06.19.2019

CryptoMondays: Whats so Stable about cryptocurrencies
CryptoMondaysSF
06.17.2019

Webinar - The "Key" to the FTC Loot Box Hearings – What You Need to Know
via GlobalMeet, 05.23.2019

Blockchain-Based Securitization of Non-Liquid Assets - What You Need to Know
Sheppard Mullin New York, 05.13.2019

Retail's Top 5 Legal Trends & Issues Webinar
05.09.2019

LA Games Conference
05.07.2019

2019 Video Games and Digital Media Conference
University of Hastings College of the Law, 03.18.2019

Marketing, Promotions and NextGen Business Models: What to Know and What to Expect, Including With
Respect to Loot Boxes, Gambling and the Shift to Mobile
Digital Media and Video Game Conference
03.18.2019

Crypto Games & Digital Collectibles
FinTech
03.18.2019

Wire Act Update: Practical Implications of the DOJ's Reversal on What Constitutes Illegal Online Gambling
Practising Law Institute
Webinar, 02.25.2019

Infringement of IP Rights in Augmented and Virtual Reality
Protecting and Monitoring Trademarks, Right of Publicity, Copyrights
Strafford Webinar, 02.21.2019

Don't Roll the Dice with Gambling in the U.S.
ITECHLAW Webinar
02.20.2019

Intellectual Property Committee Brown Bag Lunch
Federal Communications Bar Association
02.08.2019

DOJ High "Wire Act"

The Practical Implications of the DOJ's Flip Flop on What Constitutes Illegal Online Gambling
Via GlobalMeet, 01.24.2019

The Business Opportunities and Legal Risks with Blockchain – What You Need to Know
A Sheppard Mullin Webinar
via GlobalMeet, 11.29.2018

All Bets Are On! Gambling, Sports, and Video Games in the 21st Century
American Bar Association Webinar
09.12.2018

Serious Play Conference
Legal Issues with Serious Games
George Mason University, Manassas VA, 07.12.2018

2018 Game Developers Conference Reception
03.20.2018

Sixth Annual Cardozo Sports Law Symposium
Benjamin N. Cardozo School of Law, New York, NY
03.16.2018

Managing IP While Using Open Source: Copyright Licenses With Patent Challenges
CLE Webinar
02.20.2018

Cryptocurrency Law
Learn about the legal issues for Cryptocurrency!
02.06.2018

Technology and IP Forum: Open Source Updates and Practical Tips
Hosted by the Association of Corporate Counsel - National Capital Region
04.26.2017

Getting Real with Augmented and Virtual Reality: Views from the Inside
04.06.2017

2017 Game Developers Conference Reception
02.28.2017

Video Game Bar Association Summit 2016
UCLA School of Law, May 16th - May17th, 2016

2016 Game Developers Conference Reception
03.15.2016

Gamblification: The Legal Status of Gambling Mechanics in Interactive Entertainment
via Webcast, 12.10.2015

Game Developer Symposium 3.0
10.14.2015

Intellectual Property Protection & Licensing Strategies for Small Businesses
09.10.2015

2015 eSports Conference
09.2015

Gaming NOW Summit
Hosted by Bullet Business
Las Vegas, NV, 09.2015

NeuroGaming Conference & Expo 2015
05.06.2015

Memberships

Past and Present Memberships and Offices

Member, ABA Copyright and Emerging Technology Committee - NFT Subcommittee

Co-Chair Blockchain and Fintech Committee; Copyright Committee; Patent Committee; Open Source and Standards Committee, American Intellectual Property Law Association

Member, Blockchain Games Association

Member, Government Blockchain Association

Co-Chair, Social Media and Games Committee; Co-Chair, Startup Law Committee, International Technology Law Association

Member, The Association of Media & Entertainment Counsel

Member, International Association of Privacy Professionals

Advisory Board Member; Chair, Legal Committee Association of Virtual Worlds

Chair, Open Source Subcommittee; Electronic and Computer Law Committee; Patent Law Committee; Emerging Technology

Member, Arts, Entertainment, Media & Sports Law Section, District of Columbia Bar

Editorial Advisory Board Member, *The Lexis Practice Advisor Journal*

Former President, Patent Lawyers Club of Washington

Member, Open Source Committee, Intellectual Property Owners (IPO)

Adjunct professor, legal strategy for startups, Johns Hopkins MBA program

Podcasts & Webinars

Game On! Summit - Covering Your Digital Assets: Intellectual Property Rights and Gaming
09.29.2021

Sheppard Mullin China Monthly IP Seminar – Sept. 2021: Understanding Open Source Legal Issues
09.10.2021

Season 1, Episode 3: NFTs - Keeping it Legal! (ft. Jim Gatto)
08.20.2021

Nota Bene Episode 139: What are NFT's and Are They Here to Stay? with James Gatto (Summer Repeat)
08.18.2021

AdTech Trends: NFTs, First Party Data & the Crumbling Cookie Webinar
06.16.2021

Nota Bene Episode 125: What are Non-Fungible Tokens (NFTs) and Are They Here to Stay? with James Gatto
05.12.2021

Blockchain and Entertainment Webinar Series: Blockchain and Music
04.22.2021

Blockchain and Entertainment Webinar Series: Blockchain and Art
03.10.2021

Blockchain and Entertainment Webinar Series: Blockchain and Games
02.04.2021

Cannabis Webinar Wednesday: Blockchain and Cannabis - Weeding Through the Hype
11.20.2019

Nota Bene Episode 58: The Advantages of Using Cryptocurrencies and Other Blockchain Technologies for Business Growth with James Gatto
11.12.2019

Nota Bene Episode 35: Implementing Blockchain Technology to Improve Operations with James Gatto
05.08.2019

Note Bene Episode 3: Implementing Blockchain Technology to Improve Operations with James Gatto
09.19.2018

Practices

Advertising

Entertainment, Technology and Advertising

ESG and Sustainability

Healthcare

Intellectual Property

Patent Prosecution and Counseling

Post-Grant Proceedings

Technology Transactions

Industries

Advertising
Blockchain
Blockchain and Fintech
Cannabis
Emerging Company & Venture Capital
Entertainment, Technology and Advertising
ESG and Sustainability
Esports & Games
Fintech
Food and Beverage
Healthcare
Hospitality
Open Source
Sports
Telecom
Transportation
Trucking and Logistics
Wine

Education

J.D., Georgetown University Law Center, 1988
B.E., Electrical Engineering (with Physics minor), Manhattan College, 1984

Admissions

Commonwealth of Virginia
District of Columbia
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Federal Claims
U.S. District Court for the District of Columbia
U.S. Patent and Trademark Office