



→ Paul W. Garrity

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Paul Garrity is a partner in the Intellectual Property Practice Group in the firm's New York office. He is the former Managing Partner of the New York office.

Areas of Practice

Paul represents clients in complex commercial matters, particularly in the areas of intellectual property, advertising and marketing, trade secrets and regulatory enforcement. He has counseled clients in diverse industries such as OTC pharmaceuticals, food and beverage, restaurant services, media and entertainment, luxury goods, software, consumer products and apparel. Paul's transactional practice includes counseling clients on new media and emerging advertising platforms and technologies.

Paul is *Chambers*-ranked for intellectual property litigation. He has litigated disputes involving patents, trademarks, trade dress, false advertising, trade secrets, copyrights, dilution, parallel imports and counterfeiting, including the defense of consumer class actions. Paul has substantial trial experience, having appeared as first-chair counsel in jury trials, bench trials, and evidentiary hearings in courts throughout the country. Additionally, Paul has represented clients in matters before the Food and Drug Administration, the National Advertising Division of the Council of Better Business Bureaus, and the United States Patent and Trademark Office.

Honors

Chambers USA: America's Leading Lawyers for Business (Leading Individual, Intellectual Property) (2010-2022)

World Trademark Review, Listed as a Leading Trademark Practitioner in New York (2016-2023)

Legal 500, Intellectual Property (2013-2020)

New York Super Lawyers (2009-2022)

Mr. Garrity was a member of the pro bono team at Sheppard Mullin recognized by Human Rights First for their successful representation of Abdalmageed Haroun, a prominent human rights activist and former Sudanese political prisoner.

Experience

Representative Experience:

Martelli v. Rite Aid Corp. (S.D.N.Y. 2023) Successful defense of Rite Aid in claims arising from labeling of transition formula product. Motion to Dismiss granted.

Absorption Pharmaceuticals v. Reckitt (D.N.J. 2022) Defended Reckitt against allegations of fraud and trade secret misappropriation relating to an OTC pharmaceutical product. Competitor claimed over \$450 million dollars in damages. Following a four-week trial, the jury unanimously returned a verdict in favor of Reckitt on all claims asserted by Absorption.

Gordon v. Target Corp. (S.D.N.Y. 2022)

Defended Target in putative class action alleging deceptive practices involving the nutritional content of infant formula. Motion to Dismiss granted.

Mobile Acuity v. Blippar Ltd. (C.D. Cal. 2022) Representing leading augmented reality content creator in defense of patent infringement claims. Successfully invalidated asserted patents.

Alvogen v. Fera Pharmaceuticals (E.D.N.Y. 2021)

Successful defense of pharmaceutical manufacturer in claims arising out of asset purchase agreement involving ANDAs for five products. Motion to Dismiss granted in part.

Comfort v. Ricola (W.D.N.Y. 2020)

Defended Ricloa in putative class action alleging deceptive trade practices involving labeling claims. Motion to Dismiss granted in part.

PetIQ v. Merial (N.D. Ga. 2019)

Trial counsel to pet medicines company asserting breach of contract claims under a patent license agreement. Multimillion dollar verdict at jury trial.

DigiMedia v. Beasley Broadcasting, Inc. et al. (D. Del. 2018)

Represented iHeartMedia in a patent infringement suit relating to digital music broadcasting. Following entry of a stay pending outcome of reexamination proceedings in the USPTO, which resulted in substantial amendments to the patents, case dismissed with prejudice by Plaintiff.

First Manhattan Consulting v. Novantas (N.Y. Supreme 2017)

Member of trial team defending Novantas and its executives in competitor litigation seeking nearly \$12 million in damages. Following a four day jury trial, secured a verdict finding no liability on contract and tortious interference claims sent to the jury, completed by a ruling from the court on claims for unfair competition and misappropriation of trade secrets.

Montobacco v. Marley Green (S.D.N.Y. 2017)

Defending MARLEY NATURAL brand in trademark and unfair competition litigation. Plaintiff's preliminary injunction motion denied.

Nelson v. MillerCoors (E.D.N.Y. 2016)

Defended MillerCoors in putative class action alleging deceptive trade practices involving geographic designations used in beer labeling. Motion to Dismiss granted.

American Well v. Teladoc (D Mass. 2016; PTAB)

Successful defense of Teladoc, first and largest telehealth platform in the U.S., in computer systems patent litigation. Motion to dismiss granted invalidating asserted patent.

Merial v. FidoPharm (N.D. Ga. 2015)

Represented FidoPharm in false advertising litigation brought by Merial in connection with FRONTLINE pet care product. Defense of preliminary injunction motion allowed comparative claims to remain in the market.

Beastie Boys v. Monster Energy (S.D.N.Y. 2014)

Trial counsel to iconic hip-hop group in an eight-day trial. Obtained complete jury verdict on claims for copyright infringement and false endorsement.

Parallel Networks v. Abercrombie & Fitch et al. (E.D. Tex. 2014)

Represented Sony Electronics in patent infringement suit involving a method and apparatus for client-server communication. Won summary judgment of noninfringement following early claim construction.

G. Pohl-Boskamp v. Perrigo (D. Mass. 2013)

Lead counsel for Perrigo in trademark and trade dress litigation re NITROLINGUAL (nitroglycerin). Successful defense of preliminary injunction motion.

Bayer v. Sergeant's Pet Care (S.D.N.Y. 2013)

Lead counsel to Sergeant's in false advertising and unfair competition suit brought by Bayer Healthcare involving flea and tick control products. Settlement following expedited discovery and a three day evidentiary hearing on plaintiff's preliminary injunction motion, in which Court ruled for Sergeant's on 7 of the 8 advertising claims targeted by Bayer.

Imaginal Sys v. Leggett & Platt (C.D. Cal. 2012, *aff'd* Fed. Cir. 2013)

Trial counsel for Imaginal in patent litigation involving manufacture of box springs. Multimillion dollar verdict at jury trial affirmed on appeal.

CIF Licensing v. Lenovo Group (S.D.N.Y. 2011)

Represented Lenovo in patent infringement suit involving MPEG-2 digital video compression and transmission standards.

Cartier International AG v. Philippe's Watches (C.D. Cal. 2011) Represented Cartier and Panarei in action against gray market retailer.

Cartier International AG v. American Exchange (S.D.N.Y. 2010)

Represented Cartier in trade dress and design patent infringement litigation resulting in destruction of watches, injunctive relief, and disgorgement of profits.

Rexall Sundown Inc. v. Perrigo (E.D.N.Y. 2010)

Lead trial counsel for Perrigo, a manufacturer of OTC pharmaceutical and nutritional products, in a four week false advertising jury trial involving glucosamine chondroitin dietary supplements. Jury verdict in Perrigo's favor on all claims asserted by Rexall, and awarding monetary damages against Rexall on Perrigo's counterclaims.

Articles

- "Octane Fitness Producing More Patent Act and Lanham Act Attorneys' Fee Awards," *NYSBA Bright Ideas*, Vol. 24, No. 2.
- "Pom v. Coke At The Supreme Court: FDA Approval May Not Preempt False Advertising Challenges To Labels," *The Metropolitan Corporate Counsel*
- "High Tide For False Patent Marking Claims?" *Metropolitan Corporate Counsel*
- "Legal Ethics and The Social Network," *Social Media Law Blog*
- "Advertising Regulation in the Web 2.0 World," *Metropolitan Corporate Counsel*
- "Brand Protection on Social Networking Sites," *Search Engine Strategies*
- "Valuing Brands: Trying to Make the Vague Precise," *The National Law Journal*
- "Did 'Roommates.com' Nix Consumer-Made Web Content?" *New York Law Journal*
- "Who Owns The Website?" *The Intellectual Property Strategist*

- "Perfect Storm: Contributory Trademark Infringement in Electronic Commerce," *BNA's Patent, Trademark & Copyright Journal*

Notable Quotes

- "Q&A with Sheppard Mullin's Paul Garrity," *Law360*

Media Mentions

Target Gets 'Transition' Formula False Ad Suit Tossed
Law360, 03.21.2022

Shout-Out: Sheppard Mullin Scores in Unfair Competition Trial
The American Lawyer, 12.21.2017

Beastie Boys Atty Claims Monster Infringement 'Devious'
Law360, 10.17.2014

Speaking Engagements

"Evaluating the Impact and Evolution of Influencers, Native Advertisers, and Social Media on the Claims Substantiation Landscape," Advertising Claims Substantiation, January 31, 2019

"POM Wonderful v. Coca-Cola," NYSBA Annual Meeting, January 28, 2014

"Advertising in the Digital Age: An Intense Focus on Sweepstakes, Promotions & Social Media," American Conference Institute, September 11-12, 2012

"Social Media Dispute Resolution," Stafford CLE Webinar, August 9, 2012

"Closing Argument, *Christian Louboutin v. Yves Saint Laurent*, The Functionality Doctrine," Honorable William C. Conner Inn of Court, SDNY, April 24, 2012

"Social Media Marketing," Stafford CLE Webinar, September 20, 2011

"Top Litigators Speak: IP Litigation Considerations for Advertisers," American Conference Institute's Advanced IP Forum for Advertising Counsel, New York, April 28, 2011

"Is Grey the New Black? Parallel Imports and Counterfeits in the Online Marketplace," Fashion Law Institute Symposium: Global Growth and Legal Landscapes, Fordham Law, April 15, 2011

Events

Careful What You Say: The Latest in False Advertising Litigation
Class Action Threats in 2023 and Beyond - A Webinar Series
Webinar, 07.25.2023

Class Action Threats in 2023 And Beyond - A Webinar Series
Webinar Series, 2023

Memberships

Connor Inn of Court
American Bar Association
The Association of the Bar of the City of New York
New York Intellectual Property Law Association
International Trademark Association

Practices

Intellectual Property
Copyrights
False Advertising, Lanham Act and Unfair Competition
IP Licensing, Technology and Commercial Transactions
Patent Litigation
Trade Secrets
Trademarks and Trade Dress
Advertising
Litigation
Class Action Defense
Trademark Applications and Prosecution

Industries

Advertising
Cannabis
Food and Beverage
Esports & Games
Financial Services
Life Sciences
Private Equity

Education

J.D., Vermont Law School, 1994

B.A., College of the Holy Cross, 1989

Admissions

New York

Connecticut

U.S. Court of Appeals – Federal Circuit, Second Circuit

U.S. District Court – Southern, Western, and Eastern Districts of New York