

Ira E. Silfin Partner



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Ira E. Silfin advises clients on the protection and licensing of intellectual property, including patent, trademark, copyright and unfair competition issues. He has had significant success prosecuting and defending intellectual property rights litigation in state, federal and appellate courts. Some examples include:

On behalf of an on-line jeweler, he defeated a request for a temporary restraining order in a copyright and trade secret case. Mr. Silfin was able to demonstrate to the Court that the information that plaintiff claimed had been misappropriated was not protectable under either copyright or trade secrets. The ARE team ultimately prevailed in having the entire case dismissed.

In a case involving a patent for credit card application processing, Mr. Silfin led a joint defense groups' claim construction efforts. The favorable claim construction ruling formed the basis for a successful summary judgment. Based on the record Mr. Silfin had established in the district court, when the case went on appeal to the United States Court of Appeals for the Federal Circuit, his client's case was affirmed. The cases against all other defendants were remanded.

His background in mechanical engineering gives him a broad understanding of many technologies, and he has worked in such diverse fields as implantable medical devices, blood-derived therapeutic products, online banking systems and software-controlled printing equipment. His broad technical knowledge helps him to work with experts in disparate fields, and to challenge opposing experts and expose flaws in their analyses.

Mr. Silfin also works with clients in the music industry, protecting their trademarks and copyrights. He has worked to stop rogue concert promoters in Europe from selling tickets to fraudulent concerts, and identified cover bands that have failed to license the works they perform. Many infringers in this market are enthusiastic fans; in protecting clients' valuable brands, he negotiates strategically so as not to alienate fans from the performers that they idolize.

In the licensing field, he negotiated a multimillion-dollar settlement on behalf of a non-profit organization from a multinational pharmaceutical company that had prematurely ceased royalty payments. He also worked with a children's accessory company to build a comprehensive character-licensing program.

EDUCATION

- Yeshiva University Benjamin N. Cardozo School of Law, New York, NY, 1988, J.D., cum laude, Benjamin N. Cardozo Scholarship, Alexander N. Cardozo Scholarship, Alexander Fellowship, Arts & Entertainment Law Journal, 1986-1988
- Cooper Union, New York, NY, 1985, B.E., Mechanical Engineering

CERTIFICATION AND SPECIALTIES

- Registered to Practice Before the U.S. Patent and Trademark Office, 1989

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- AIPLA
- American Association of Jewish Lawyers and Jurists
- American Society of Mechanical Engineers
- Association of the Bar of the City of New York

BAR ADMISSIONS

- U.S. District Court for the Western District of Wisconsin, 1997
- U.S. District Court for the Eastern District of Wisconsin, 1998
- District of Columbia, 1991
- U.S. Court of Appeals for the Third Circuit, 1990
- U.S. Court of Appeals for the Federal Circuit, 1990
- New York, 1989
- U.S. District Courts for the Southern and Eastern Districts of New York, 1989

REPRESENTATIVE CASES

- *Allure Jewelers, Inc. v. Ulu*, 2012 U.S. Dist. LEXIS 13361, 2012 WL 367719 (S.D. Ohio Feb. 3, 2012)
- *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Prods., LLC*, 447 Fed. Appx. 217, 2011 U.S. App. LEXIS 22884 (Fed. Cir. 2011)
- *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Prods., LLC*, 2009 U.S. Dist. LEXIS 76571, 2009 WL 2634860 (N.D. Tex. Aug. 26, 2009)
- *Decisioning.com, Inc. v. Federated Dep't Stores, Inc.*, 527 F.3d 1300, 2008 U.S. App. LEXIS 9725 (Fed. Cir., 2008)

PUBLISHED WORKS

- **ARE Patent Law Alert: The Supreme Court Denies Cert in favor of First Quality**
January 23, 2012
- **Brief in Opposition “Kimberly-Clark Worldwide, Inc. and Kimberly-Clark Global Sales, LLC, Petitioners, v. First Quality Baby Products, LLC and First Quality Retail Services, LLC, Respondents, (December 30, 2011)”**
January 3, 2012
- **ARE Patent Law Alert: First Quality Files Brief In Opposition To Cert Petition With The U.S. Supreme Court**
December 30, 2011

IN THE PRESS

- **In the Press: K-C Diaper Patent Wiped Out In First Quality IP Suit**
IP Law360, December 5, 2011
- **In the Press: Kimberly-Clark Loses Fed. Circ. Rehearing Bid In IP Row**
October 6, 2011

AMICUS BRIEFS

- Brief of New York Intellectual Property Law Association as *Amicus Curiae* in Support of Neither Party: Highmark Inc., v. Allcare Health Management Systems, Inc., (U.S. Dec. 09, 2013)
December 9, 2013
- Brief of New York Intellectual Property Law Association as *Amicus Curiae* in Support of Neither Party: Octane Fitness, LLC, v. Icon Health & Fitness, Inc., (U.S. Dec. 09, 2013)
December 9, 2013
- Brief for *Amicus Curiae* New York Intellectual Property Law Association in Association for Alice Corporation PTY. LTD. v. CLS Bank International, et al., (U.S. Oct. 07, 2013)
October 7, 2013
- Brief for *Amicus Curiae* New York Intellectual Property Law Association in Association for Molecular Pathology v. Myriad Genetics, Inc. (U.S. Mar. 14, 2013)
March 15, 2013
- Brief for *Amicus Curiae* New York Intellectual Property Association in CLS Bank International v. Alice Corp. Pty. Ltd. (Fed. Cir. December 07, 2012)
December 7, 2012
- Brief for *Amicus Curiae* New York Intellectual Property Law Association in Support of Neither Party in Association for Molecular v. PTO (Fed. Cir. June 15, 2012)
June 18, 2012
- Brief of *Amicus Curaie* NYIPLA in Mayo Collaborative Services (D/B/A Mayo Medical Laboratories) and Mayo Clinic Rochester, Petitioners, v. Prometheus Laboratories, Inc., (Sup. Ct. September 8, 2011)
September 8, 2011

AMICUS BRIEFS CONT.

- Brief for Amici Curiae Double Rock Corporation, Island Intellectual Property LLC, LIDs Capital LLC, Intrasweep LLC, Access Control Advantage, Inc., Ecomp Consultants, Pipeline Trading Systems LLC, Rearden Capital Corporation, Craig Mowry and PCT Capital LLC in Support of Petitioners, Bernard L. Bilski and Rand A. Warsaw v. John J. Doll, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, Docket No. 08-964, (Sup. Ct. Aug. 6, 2009)
August 6, 2009
- Brief For Amici Curiae Reserve Management Corporation, PCT Capital LLC, Rearden Capital Corp. And Sales Optimization Group In Support Of Maintaining State Street and AT&T in In Re Bernard L. Bilski and Rand A. Warsaw, Appeal No. 2007-1130 (Fed. Cir. Apr. 4, 2008)
April 1, 2008

PUBLISHED WORKS

- ARE Copyright Law Alert: Second Circuit Clarifies Digital Millenium Copyright Act's Safe Harbor Provisions In *Viacom International, Inc. v. Youtube, Inc.* Decision
April 18, 2012
- ARE Trademark Law Alert: Fourth Circuit Revives Rosetta Stone Case Against Google's Keyword Searching
April 13, 2012
- ARE Patent Litigation Alert: NYIPLA Files Amicus Brief in *Mayo v. Prometheus*
September 8, 2011

PUBLISHED WORKS CONT.

- ARE Patent Litigation Alert: *Centillion v. Qwest Communications*: Federal Circuit Held That "Use" of a System Means Use as a Whole and the User Must Derive Benefit From It
January 31, 2011
- ARE Trademark Law Alert: Facebook To Offer Personalized URLs
June 9, 2009
- *Tiffany (NJ) Inc. v. eBay Inc.:* Guidelines for Online Retailers to Police Third Party Sales of Counterfeit Goods
Common Law Journal, July 29, 2008
- HearSay: I Got it on eBay...(Audio interview excerpt)
HearSay with Cathy Lewis, July 18, 2008, WHRV
- *Tiffany v. eBay*: Trademark Owners Beware
IP Law360, July 16, 2008
- Q&A With Amster Rothstein & Ebenstein's Anthony F. Lo Cicero
IP Law360, September 21, 2007
- Refining In U.S. Patent Law For Software
IP Law360, May 7, 2007
- Courts Write History on Permanent Injunctions In Patent Actions
IP Law360, August 22, 2006, Guest Column

IN THE PRESS

- In The Press: Amster, Rothstein & Ebenstein LLP is pleased to announced that partners Daniel Ebenstein, Anthony F. Lo Cicero and Charles R. Macedo have been named IP Stars by Managing IP for 2013
Managing Intellectual Property IP Handbook, www.miphandbook.com

IN THE PRESS CONT.

- **In the Press:**

**Super Lawyers names partners
Anthony F. Lo Cicero and Charles
R. Macedo for 2012**

*New York — Metro 2012 Intellectual
Property Super Lawyers*

- **In the Press:**

**'T-minus' Buffet enters the private
placement biz**

*- Investment News, December 2,
2011*

- **In the Press:**

**Super Lawyers names partners
Anthony F. Lo Cicero and Charles
R. Macedo**

*New York — Metro 2011 Intellectual
Property Super Lawyers*