Gia L. Cincone

Counsel



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Services

Appellate Litigation

Intellectual Property Litigation

Trademark Litigation

Trademark, Copyright & Advertising

Gia Cincone focuses her practice on commercial and appellate litigation. Gia has extensive experience in federal and state appellate courts, with particular emphasis on issues of trademark and patent law in the Federal and Ninth Circuit Courts of Appeal. She has also represented *amici curiae* such as the American Bar Association, the American Cancer Society, and the National Association of Criminal Defense Lawyers in appellate matters across the country involving significant questions of constitutional law and public policy. Her commercial practice emphasizes intellectual property, including trademark counseling and litigation, brand protection, and patent and copyright matters. Her clients cover a wide range from small scale to large corporations, as well as a variety of different industries including apparel and consumer products. She is the recipient of Kilpatrick's Criminal Justice Pro Bono Award for 2013.

Experience

Represented appellant Levi Strauss & Co. in successful appeal from the trial court's judgment rejecting its trademark dilution claim. The Ninth Circuit agreed with Levi Strauss that the former "identical or nearly identical" standard for similarity in a dilution by blurring claim did not survive the Trademark Dilution Revision Act of 2006 (TDRA). *Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 633 F.3d 1158 (9th Cir. 2011).

Design and implement various enforcement programs aimed at stopping the distribution of counterfeit and gray market LEVI'S® jeans, as well as policing the unauthorized online distribution of the company's products and use of its trademarks.

Represented a number of *amicus curiae* including the National Association of Criminal Defense Lawyers and the ACLU in successful appeal involving indigents' right to counsel at initial bail hearings. *DeWolfe v. Richmond*, 2012 Md. LEXIS 1, Md. Court of Appeals No. 34 (Jan. 4, 2012).

Represented appellee San Francisco Women's Motorcycle Contingent in successful effort to affirm the holding of the Trademark Trial and Appeal Board that appellant McDermott did not have standing to challenge the trademark registration issued for the mark DYKES ON BIKES. *McDermott v. San Francisco Women's Motorcycle Contingent*, 240 Fed. Appx. 865 (Fed. Cir. 2007).

Represented Watson in pending ANDA litigation of generic version of SEASONIQUE®. *Duramed Pharmaceuticals, Inc. v. Watson Laboratories, Inc.,* et al., No. 3:08-cv-116 (D. Nev. filed Mar. 6, 2008).

Represents Levi Strauss & Co. (Levi) for setting brand enforcement strategies, distribution policies (including gray marketing), anti-counterfeiting efforts and enforcement of trademarks, copyrights and distribution policies in cease and desist efforts and litigation. Hundreds of matters, including over 75 lawsuits, have been handled. We have also advised Levi regarding notice and take-down issues under the DMCA.

Represented appellee Watson Pharmaceuticals, Inc. in successful defense of district court's order dismissing Bayer's claims of patent infringement. The Federal Circuit agreed with Watson that for a generic drug maker to infringe a method-of-use patent, the proposed label must indicate that the drug is approved (i.e., safe and effective) for the claimed method. *Bayer Schering Pharma AG v. Lupin, Ltd., et al.*, 2012 U.S. App. LEXIS 7570, Fed. Cir. Appeal No. 2011-1143 (April 16, 2012).

Representing *amicus curiae* The Financial Services Roundtable in pending appeal involving the proper standard for direct patent infringement when separate actors each perform different steps of a method claim. *Akamai Technologies, Inc. et al v. Limelight Networks, Inc.*, Fed. Cir. Appeal No. 2009-1372 (pending).

Successfully defended follow-on damages patent infringement action against Korean petrochemical concern by defeating claims on summary judgment. (N.D. Ohio).

Education

Stanford University J.D. (1987) *Order of the Coif, Stanford Law Review*

Yale University B.A. (1980) *magna cum laude*

Admissions

California (1989)

Court Admissions

U.S. Bankruptcy Court for the Central District of California

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

Clerkships

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Insights

NOVEMBER 11, 2016 **NEWS**

KT is...Trending, November 5-11, 2016

OCTOBER 15, 2015 **NEWS**

Kilpatrick Townsend's Media Report October 9-15, 2015