

VENABLE LLP

Dietary Supplements:
What You Need to Know about Legal
and Regulatory Compliance

PRESENTED BY VENABLE LLP

Providing Full Legal Service to the Dietary Supplements, Cosmetics, And Functional Foods Industry

With decades of FDA and marketplace experience, Venable is one of America’s best known law firms, with a proven track record of serving the dietary supplement industry. At Venable, we are proud that our food, medical devices and dietary supplement clients come to us to solve their most complex legal issues, relying upon not only the knowledge and skills of our attorneys, but also on our unwavering commitment to delivering outstanding service and valuable counsel. Our clients rely on Venable’s broad capabilities and experience across an array of disciplines including: dietary supplement health and education, FTC and FDA regulations; advertising, marketing, labeling/packaging, competitor challenges, class action suits; state attorneys general investigations; intellectual property, patent, trademark, copyright litigation; and international trade. We immerse ourselves in our clients’ businesses so that we fully understand the context of their legal issues. By being fully aligned with their legal and business objectives, we deliver creative, integrated solutions that add value to our clients.



Selling the Latest Dietary Supplement? Cosmetic or Functional Food? We’ll help you get it to market.

Food, drugs, cosmetics and medical devices are highly regulated by the Food and Drug Administration (FDA). And they face fierce competition for the attention of consumers. The scrutiny by the FDA and the battle in the marketplace demand courage, imagination and extraordinary technical and legal skills.

Regulated consumer products constitute a huge and burgeoning market. Dietary supplements and functional foods alone account for more than \$15 billion per year in sales. Once an FDA-regulated product makes it to market, it becomes one of the most closely regulated products in the world—subject to a diverse set of regulatory concerns. You’re in an exciting and challenging industry—and Venable is, too.

We help clients at every step of the product life cycle—from product development and regulatory approval/clearance to advertising, marketing and distribution.

Representative matters:

- › Successfully representing clients in challenging agency decisions involving labeling, advertising, approval and licensing;
- › Successfully representing clients in litigation involving FDA; and
- › Successfully defending against an FTC challenge involving a client accused of making false claims by discrediting the FTC’s scientific basis for the challenge.

Food and Drug Administration

Federal Trade Commission

REGULATORY CONCERNS	PRODUCT CLAIMS	ADVERTISING / DISSEMINATION
FDA Approval Needed?	Substantiation	Assess Scientific Burden
Packaging / Labeling	Risk Assessment	Define Ad Claims
Regulatory Enforcement Action		Litigation / NAD / ERSF
		Respond to Civil Litigation

Resources At Every Step—From Idea to Store

Your marketing campaign

Success often requires aggressive marketing, which can raise legal challenges—starting with the claims you make. Venable attorneys can help you assess the risks your campaign may entail—including claims addressed in the Dietary Supplement Health and Education Act and the Nutrition Labeling and Education Act. We also help assess the proof required for product claims under FTC regulations and what you can say (and cannot say) about competing products. We routinely conduct ingredient reviews and product safety assessments, and evaluate food contact ingredients.

We work closely with Venable’s Marketing and Advertising attorneys to ensure that your message will reach its audience with the impact you desire, without running afoul of regulatory issues.

Your intellectual property

Protecting your patents, trade secrets, trademarks and copyrights is critical throughout the process. Our attorneys are leaders in these areas. We structure and negotiate licenses, research contracts and technology transfer agreements. And we know how to protect your product and preserve your ability to market and profit from it in a competitive environment.

Your regulators and your competitors

You may need to assert your interests aggressively—by challenging the regulators or challenging your competitors. We are leaders in advocacy before the FDA and the FTC, and in bringing them to court when necessary.

We also know how to address bad behavior on the part of your competitors through challenges to false advertising under the Lanham Act and other state and federal statutes, or before self-regulatory bodies, such as the NAD or ERSP.

Your challengers

It happens: someone challenges your product or your advertising. It could come from an individual or a class action suit. Or it could be a government agency. We have years of experience in dealing with:

- › Adverse Event Reports;
- › Challenges before the Federal Trade Commission (FTC);
- › Competitor challenges to advertising in proceedings before the National Advertising Division (NAD) of the Council of Better Business Bureaus or the Electronic Retailing Self-Regulation Program (ERSP);
- › Current good manufacturing practices;
- › False advertising (Lanham Act) litigation;
- › Food additives;
- › Food contact substances;
- › FDA import detentions;
- › FDA inspections;
- › FDA warning letters;
- › Patent, trademark and copyright litigation;
- › Proposition 65 litigation;
- › State attorneys general; and
- › Other challenges faced by product developers and manufacturers.

Your Venable Team’s Approach

Venable’s approach to anticipating and solving problems often includes detailed client counseling on regulatory compliance, petitioning and negotiating with agency officials, advocating for legislation, and, where necessary, litigating aggressively and effectively.

State Attorneys General

Venable LLP offers clients a full range of services in its State Attorneys General practice. The firm's work with state attorneys general goes back decades and spans many industries. At any given time, our team is working on more than a dozen active state attorney general matters.

Our State Attorneys General practice has recently been bolstered and is led by former Arkansas Attorney General and U.S. Senator Mark L. Pryor, and Erik Jones, who served as Assistant Attorney General and Director of the Policy Bureau for Illinois Attorney General Lisa Madigan. Senator Pryor and Erik Jones joins numerous practitioners who have years of experience representing companies of all sizes before state attorney general offices, often in high-profile, multifaceted matters.

In today's policy and legal environment, state attorneys general are more relevant to companies than ever before.

They are involved in state legislative initiatives, multistate investigations, and litigation that affect almost every major U.S. industry. Whether they act alone, in concert with other states, or with the Department of Justice, the Federal Trade Commission, the Consumer Financial Protection Bureau (CFPB), or other federal agencies, their influence is felt in every decision-making body. State attorneys general enforce their states' consumer protection and data breach laws, serve as environmental regulators, and are actively involved in merger review and antitrust regulation. In addition, they are increasingly joining together to advocate before the U.S. Congress on federal policy issues and federal actions.



Venable's State Attorneys General team attends state Attorneys General trade association meetings held by the National Association of Attorneys General (NAAG), the Republican Attorneys General Association (RAGA), the Democratic Attorneys General Association (DAGA), and the Conference of Western Attorneys General (CWAG). These meetings serve as a forum where our attorneys build relationships on behalf of clients and educate state Attorneys General and their teams about our clients' industries and their potential (or existing) issues.

Venable offers a variety of practical and strategic solutions in dealing with the attorneys general:

- › We build relationships, educating the state attorneys general and their teams about our clients and our clients' industries.
- › We spend time with our clients to help them develop their approach to the state attorneys general environment and trends. This includes political analysis and advice on a variety of business and litigation topics.
- › We have the substance and experience needed to handle practically any issue presented by a state attorney general working alone or by all of them working together.
- › We work with clients to develop and execute strategies for attorney general inquiries, investigations, and litigation.
- › We identify emerging trends so we can work with clients to anticipate and proactively limit potential problems.
- › We engage on behalf of clients with attorneys general regarding state and federal statutes, regulations, and policies.



Venable has deep experience representing clients before state attorneys general in the following areas:

Advertising and Marketing

For most state attorneys general, false advertising, “bait and switch,” misleading comparisons, and unsubstantiated claims are the traditional concerns of consumer protection. Venable, one of the leading firms in the country in advertising law, consults and litigates in all of these areas.

Antitrust

We regularly represent clients who are facing federal and state challenges relating to anti-competitive activity – whether it is in connection with a merger/acquisition or just in the ordinary course of business.

Consumer Finance

The passage of Dodd-Frank and the creation of the Consumer Financial Protection Bureau have given rise to a new jurisdiction for state attorneys general and numerous new challenges for business. Venable has more experience than our counterparts with the CFPB and the actions they bring.

Consumer Products and Services

The traditional alliance between the Federal Trade Commission and the state attorneys general is as strong as ever. Whether they are working together or on separate tracks, our clients have relied on our services in these areas for decades, with proven results.

Environment and Energy

Environment and energy are emerging areas of focus for the states as more domestic energy is developed and produced, and the EPA and other federal agencies become more active in regulating energy production and consumption.

Investigations

Experience counts. Venable has handled investigations by Congress, federal agencies, and the states for years. In addition to our broad experience, the firm routinely hires attorneys who have run investigations for the federal and state governments. This first-hand knowledge is always a valuable asset to Venable’s clients.

Legislative and Government Affairs

With a strong lobbying arm headquartered in its Washington, DC office, our firm is accustomed to getting results. We advocate with Congress, the White House, and virtually all federal agencies, helping clients make their voices heard.

Privacy and Data Security

Privacy and data security is a core strength for Venable, and we have been involved in shaping policy at the federal, state, and local levels. We are skilled at establishing best practices for a company or an entire industry, as well as handling the difficult process of cleaning up after a data breach.

State and Local Government

The Tenth Amendment reserves powers to the states, and most state attorneys general jealously protect this constitutional role. This, coupled with the gridlock in Washington, means we see more state legislative and regulatory activity now than at any time in the past. Venable gives clients the right team to handle situations at the state level.

Advertising and Marketing

Developing your brand required years of effort and substantial resources. Whether you are defending your market-leader status or you are a number two or three “trying harder,” Venable’s advertising lawyers are dependable partners who know how to help protect and grow your valuable brand.

We represent 10 of the top 20 largest national advertisers. Our lawyers know how to keep you out of the regulatory eye, mend a broken compliance program or help navigate the difficult choices that come with balancing risk and reward. Our advice is far from theoretical. We provide practical answers based on our understanding of your business so that you can make informed, real-time decisions.

In a world where new avenues of advertising and promotion seem to spring up overnight, we have the depth to keep you fully informed and well-advised in all areas. Whether it be social media, sweepstakes, green marketing, gift cards, affiliate marketing product placement or traditional television advertising, we have lawyers who provide counsel in each of these areas on a daily basis.

It is an unfortunate reality that one advertising problem can give rise to a host of others. A self-regulatory proceeding can lead to class action litigation or a class action can spawn multiple inquiries by State Attorneys General. We believe a few hours of prevention are worth perhaps thousands of hours of a cure. This is why we put such emphasis on providing proactive counseling to our clients. However, if needed, Venable also has the bench strength to represent clients in every type of contentious setting simultaneously in a first-rate and efficient, coordinated manner.

While we are zealous advocates for our clients, we also believe open lines of communication are the key to resolving differences. We frequently collaborate with our regulatory and self-regulatory counterparts to provide insightful commentary on industry issues at conferences, webinars and in publications. These close working relationships help us get to know the agencies regulating our clients better and helps build the relationships that can be critical to resolving enforcement actions amicably.

We advise some of America’s most iconic and beloved brand marketers, including leading companies in areas such as banking, breakfast foods, consumer packaged goods, dairy, hospitality, retail sales, telecommunications, toys and travel.



Representative Matters:

- › Providing advertising counsel to a leading national retailer. This engagement has included handling several FTC matters involving pricing issues, green claims, comparative performance claims and textile act issues.
- › Supplying comprehensive regulatory compliance counseling to one of the largest food companies in the United States. This includes guidance on claim substantiation, advertising to children, food marketing and packaging, sweepstakes and promotions, coupons and rebates, social media marketing, and privacy/data security matters.
- › Performing a comprehensive assessment and update of a Fortune 500 diversified financial service company's regulatory database to ensure that all future advertising and marketing practices were compliant with federal and state regulations and the conditions of a Consumer Financial Protection Bureau consent order.
- › Advising a leading consumer electronics company on the global launch of its latest mobile handset. This engagement included compliance advice for on-line and off-line marketing in the United States, as well as coordination of local counsel in jurisdictions around the world.



California Proposition 65

Venable's Environmental Group practitioners have extensive experience assisting clients with compliance, defense, settlement and litigation under federal and state consumer protection laws, including California's Proposition 65 and its Green Chemistry law. California's Proposition 65, the "Safe Drinking Water and Toxic Enforcement Act of 1986" (Prop 65), has become a very expensive and time consuming burden for companies selling products in California. Prop 65 claims are filed primarily by private enforcers represented by trial lawyers—bounty hunters—who are entitled to recover their legal fees, as well as 25% of penalties obtained in settlements or judgments. This enforcement scheme has been controversial, with Governor Jerry Brown stating it has resulted in a number of "frivolous 'shake-down' lawsuits" brought by "some unscrupulous lawyers driven by profit rather than public health."

Venable's Environmental Group uses innovative approaches in defending, litigating, settling, and creating sensible warning "safe-havens" in appropriate situations so that clients do not pay bounty hunters "extortionate" settlement amounts, do not incur significant legal expenses, and avoid unnecessary warnings and product reformulations.

Venable's Environmental Group has recently:

- ▶ Represented a flooring manufacturer in a case brought by the Chanler law firm for the alleged failure to provide reproductive toxicity warnings for the client's recycled vinyl tile flooring containing the phthalate plasticizer DEHP. The source of the DEHP is the recycled vinyl material used by the manufacturer. After extensive developments of exposure assessment information and negotiations, the Consent Judgment approved by the court on January 29, 2014 allowed the flooring manufacturer to continue to use the recycled PVC source material containing DEHP without an unnecessary Prop 65 warning.
- ▶ Represented a multi-billion dollar vinyl material supplier in successfully negotiating a settlement involving DEHP with the Chanler firm in which the bounty hunter agreed that the warning in the Safety Data Sheets (SDS) (formerly MSDS), required by OSHA, constituted an adequate warning for Prop 65 purposes;
- ▶ Represents the trade associations for the vinyl flooring industry (Resilient Floor Covering Institute) and vinyl roofing industry (Chemical Fabrics and Film Association) in seeking Safe Use Determinations (SUDs) from the California Office of Environmental Health Hazard Assessment (OEHHA) for the use of DINP in those products. We worked closely with our Prop 65 technical experts to develop comprehensive exposure assessments demonstrating that exposure to DINP in the clients products are dramatically below the proposed DINP safe harbor level. For the first time in nine years, OEHHA accepted SUD applications as complete and currently are in the process of deciding its final actions on these applications. While the completeness determinations are only interim actions, their publication has chilled private enforcement actions against our clients during OEHHA's deliberations.

Venable's Environmental Group regularly counsels clients on the chemical listing process, including seeking policy guidance, whether to challenge listings, submitting legal comments, vetting the development of calculated "no significant risk" or "maximum allowable dose" levels and on related administrative, rule-making challenges under California Proposition 65. It has also counseled clients on whether and how to submit comments regarding products and chemicals targeted by a second California agency for inclusion in its "Green Chemistry Initiative," and devised strategies where clients may leverage efforts undertaken in defending themselves against Prop 65 enforcement actions, so as to also limit the impacts of California's prioritizing them for action under its Green Chemistry Initiative, as well as EPA's prioritizing them for action under TSCA.

Our Overall Experience

Venable's Environmental Practice Group also works closely with colleagues practicing in related areas of law such as consumer product safety, consumer protection, food, drug, and cosmetic regulation and product liability litigation. Other areas in which our attorneys have California Proposition 65 experience include:

- › Venable assists purchasers in supply chain management issues when identifying Prop 65 liabilities and risks. We also assist in creating post acquisition compliance programs.
- › Venable defended a foreign compounding company against a Prop 65 claim that the ultimate consumer product contained DEHP.
- › Venable represented a cosmetic company in defending a Prop 65 lawsuit regarding titanium dioxide, airborne unbound particles of respirable size. The lawsuit is pending in Alameda County.
- › Venable defended a dietary supplement company in Prop 65 lawsuit pending in Alameda County, California involving claims that product included lead without the requisite warning.
- › A Venable attorney advised retailers, distributors and manufacturers on Proposition 65 compliance.
- › Venable negotiated two settlements on behalf of a client, a Midwestern pharmaceutical company. In both cases, the chemical at issue was Cocamide DEA but the drugs were an over the counter drug product and a consumer product. Venable utilized preemption and other arguments to negotiate the best possible settlement for the client.
- › Venable represented a nutritional marketing company selling a number of dietary supplement products alleged to contain lead over the levels requiring a Prop 65 warning. After much negotiating concerning the accuracy of testing results, naturally-occurring lead levels, and exclusion of products due to inclusion in previous consent decrees, Venable attorneys reached a settlement on behalf of the client.
- › Venable represented a nutritional supplement company in a case involving a number of dietary supplement products alleged to contain lead over the levels requiring a Prop 65 warning. Venable engaged in negotiating concerning the accuracy of testing results, naturally-occurring lead levels, and the sufficiency of the client's warning. This case reached the deposition phase of discovery and ultimately settled.

Class Action Litigation

Class action lawsuits against advertisers and marketers are on the rise and they pose significant threats to their brands and their businesses. Successfully defending these cases requires mastery of the issues and complexities that are unique to class action litigation, as well as the procedural nuances in courts and jurisdictions around the country.

Venable is widely recognized as one of the nation's most highly regarded advertising and marketing law practices. We defend clients against class action claims alleging violation of state and federal deceptive trade practices, false advertising, unfair competition and other consumer protection statutes. Our experience ranges from achieving precedent-setting U.S. Supreme Court victories, acting in relation to federal appellate decisions, and defending class actions in state and federal court.

In addition, we frequently defend clients against false advertising claims before self-regulatory bodies such as the National Advertising Division (NAD). Venable's experience handling consumer class actions, Lanham Act jury trials, securing federal district court victories against government regulators and staving off advertising-related investigations from the Federal Trade Commission (FTC) sets the firm apart from its competitors. Over the years we have prevailed in some of the toughest advertising-related litigation to go to trial.

Our experience in the courtroom, close ties to federal and state regulatory agencies, intimate understanding of industry self-regulatory bodies, and geographic reach are the primary reasons why clients turn to us for strategic counsel, advice, and legal representation.

If your advertising and marketing cannot stand up to a legal challenge, your product or service offering will most certainly be negatively impacted. Venable is a national leader in advertising and marketing litigation. When leading business need help defending advertising class actions, they turn to us. Over the past year, Venable has defended over a dozen class action cases. Below is a description of some of our current and recently concluded matters in this area. These matters highlight Venable's track record of success, our ingenuity, and our ability to find value for our clients even in the face of daunting class action claims.

- ▶ Venable recently secured dismissals, with prejudice, for its clients—manufacturers and retailers of dietary supplements, and certain of their officers and executives—in a putative class action filed in the Central District of California. Challenging the labeling of various testosterone-boosting nutritional supplements as unsupported by reliable scientific evidence, Plaintiffs alleged, amongst other claims, violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) and California and New York consumer protection and false advertising statutes, and sought substantial class-wide monetary damages, punitive damages, and injunctive relief. In its motion to dismiss the individual defendants, Venable principally argued that the California federal court lacked personal jurisdiction over the officers and executives; the motion to dismiss the corporate defendants argued that Plaintiffs had failed to state any viable claim. The Court agreed, holding that it lacked either general or specific jurisdiction over the individuals, and that Plaintiffs failed to state a claim against the corporate defendants because, among other things, the RICO claim lacked predicate fraudulent acts and that the purported expert report upon which Plaintiffs relied actually refuted the very claims asserted in the complaint. The Court thus granted both motions to dismiss without allowing Plaintiffs to attempt to replead their claims.



- ▶ Venable represents multiple defendants who allegedly participated in a marketing campaign to promote the movie, Last Ounce of Courage, via unlawful pre-recorded telephone calls to plaintiffs' residential telephone line, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Plaintiffs sought to represent a class of consumers who received unsolicited, pre-recorded telephone calls promoting the movie. However, discovery proved that the only message plaintiffs received on their answering machine did not contain a commercial advertisement, and plaintiffs never heard anything about the movie. The court granted the motions to dismiss filed by Huckabee, Leininger, Mission City, and Courage 2012 and dismissed the complaint. The court found that plaintiffs lacked Article III standing to pursue the action because they never heard any commercial advertisement, and further held that plaintiffs were inadequate class representatives because they were subject to a unique defense.
- ▶ Venable is defending a major producer of poultry products in putative consumer class action lawsuits pending in the District of New Jersey and a more recently-filed identical case in the Middle District of Florida. Both lawsuits are being supported by the Humane Society of the United States, an animal rights organization in which the plaintiffs are members. The suits principally claim that the "Humanely Raised" labels on our clients' chicken products are false and deceptive. Venable succeeded in dismissing claims in the New Jersey action concerning our client's "Raised Cage Free" labels. The court in the New Jersey action has granted Venable's motion to bifurcate discovery, so that merits discovery will not occur unless and until a class is certified – a decision which may save our client hundreds of thousands of dollars in discovery costs.
- ▶ In a case that garnered national media attention, Venable defended an ABA-accredited law school in a putative class action filed in New York State Supreme Court by three of the school's alumni. Plaintiffs alleged that the school published misleading statistical information regarding its graduates' employment rates and salaries, and claimed fraud, negligent misrepresentation, and violations of New York's consumer protection statute. As damages, plaintiffs sought disgorgement of all tuition paid by members of the putative class, which if aggregated, would exceed hundreds of millions of dollars. Plaintiffs also sought an injunction that would affect future publication of the school's graduate employment statistics. In October 2011, Venable filed a motion to dismiss all of the claims against the law school, which prompted plaintiffs to amend their complaint. In December 2011, Venable moved to dismiss the amended complaint. On March 21, 2012, our motion to dismiss the amended complaint was granted in full. Among other things, the Court held that the alleged misstatements were not sufficiently material to support a cause of action, and that plaintiffs had not sufficiently pled causation and injury. In December 2012, New York's Appellate Division, First Department, affirmed the decision.

Our litigators have successfully resolved numerous complicated class actions for clients in the food, beverage, dietary supplements, manufacturing, pharmaceutical and life sciences, media and entertainment, and retail sectors.

Trademarks And Brand Protection

protect your brand and online presence

Your brand is your gateway to the world, and trademark law is the primary vehicle for protecting your brand. Venable is a global, award-winning leader in trademark law. We provide a wide range of legal services – from registration to licensing and litigation – to protect and leverage the use of your brand through trademarks, trade dress, social media and domain names. Venable understands that trademark assets are unique, and we know how to address a client's objectives with practical, efficient guidance, designed to accomplish its commercial goals.

Venable's trademark team – bolstered by five former USPTO trademark examiners and two former in-house counsel – has been a leader in trademark filings for many years. In addition to earning national first-tier ranking in U.S. News – Best Lawyers "Best Law Firms," we rank among the leading law firms in terms of applications filed and registrations issued. Since 2012, World Trademark Review 1000 – The World's Leading Trademark Professionals among the top firms in the United States - DC Metro area, has recognized Venable's trademark practice. Several of our partners have also earned individual rankings.

Our trademark practice is world-class, managing 36,000 trademark applications/registrations, including full domestic and international portfolios for leading companies.

Venable's international trademark experience extends to six continents through an established network of foreign counsel. Our practitioners are well versed in filing under the Madrid Protocol and in its benefits and costs. We frequently advise clients regarding the most effective and cost-efficient means of providing trademark protection in foreign markets, including recordation of licensing agreements for better brand enforcement. We also assist in coordinating and managing trademark disputes worldwide, including opposition and cancellation proceedings, and litigation before foreign courts.

Members of our trademark group have been elected to positions in international trademark organizations, such as INTA and Marques, the European Trademark Owners Association. Through these organizations, we have become familiar with other legal systems and have built strong personal and professional relationships with top foreign lawyers around the globe.

*Venable:
A Leader in
Trademarks.
A Law Firm
with Global
Reach.*

Representative Matters:

- › Venable manages the international trademark portfolio of one of the world's leading mobile phone manufacturers, including contentious and non-contentious matters, domain name counseling and dispute resolution, and advertising review and clearance.
- › Venable manages and enforces the global trademark portfolio of a leading global higher-education company.
- › Venable is responsible for global trademark prosecution and enforcement, including anti-counterfeiting, for Playboy. The portfolio covers over 10,000 marks in 190 countries.
- › Venable manages and maintains the full range of trademark work, including portfolio management and copyright work, for a global investment management firm.
- › Venable provides strategic planning for worldwide protection of primary brands to a major American film and television production company.
- › Venable represented Arianna Huffington in negotiating intellectual property aspects of the sale of The Huffington Post to AOL.
- › Venable manages the trademark portfolio of Perdue Farms Inc., the third-largest poultry company in the United States, including contentious and non-contentious disputes, domain name counseling, and advertising review and clearance.
- › Venable helped a fast-casual restaurant successfully register its key brand in the European Community. This ended a seven-year battle to register the name.
- › Venable manages the international trademark portfolio of a European hotel chain.
- › Venable, working with local European counsel, helped win an important appeal for one of the world's leading mobile phone manufacturers in its bid to register a rare motion trademark in the European Community.
- › Venable stopped a sham technology outsourcing company from using our client's well-known Internet hosting brand on Facebook to attract victims to its business and websites.
- › Venable obtained a temporary restraining order, a permanent injunction and \$100,000 damages to shut down an online trademark infringement in which a Ponzi-scheme operator in Iran was impersonating a hedge-fund client.
- › Venable fended off a motion for a temporary restraining order which would have prevented its client from applying for a key new global top-level domain.
- › Venable prevailed after a full trial on the merits and post-trial briefing at the Trademark Trial and Appeal Board to cancel a registration for a tequila trademark on behalf of a client with earlier rights in a similar mark for rum.



About Venable

With more than 600 attorneys in offices across the country practicing in all areas of corporate and business law, complex litigation, intellectual property and regulatory and government affairs, Venable is one of America's top 100 law firms. For over a century, we have built our firm based on a simple and enduring premise: We see the world through the eyes of our clients. We immerse ourselves in our clients' businesses so that we fully understand the context of their legal issues. By being fully aligned with their legal and business objectives, we are able to deliver creative, integrated solutions that add value to our clients. Our firm is also a story of constancy and thoughtful growth. Our clients enjoy an extra measure of confidence knowing that our every decision – from hiring, to building out our service areas, to expanding our geographic reach – is informed by our desire to better serve their needs.

Our clients rely on Venable's broad capabilities and experience across an array of disciplines and industries. The businesses we represent cover the full spectrum of industries and organization types, both for-profit and nonprofit, and range from entrepreneurs and emerging growth companies to large national and international organizations. Our lawyers bring a wealth of experience to the challenges and opportunities our clients face, and are recognized in the business and legal communities as the leading practitioners in their fields. Our clients also benefit from the broad perspective that our firm brings, as a large number of our attorneys are former prosecutors, regulators and lawmakers, as well as inside counsel.

The commitment we have to our clients is matched by our commitment to the communities in which we and our clients operate. Venable attorneys are leaders and volunteers in philanthropic organizations and perform tens of thousands of hours of pro-bono work. The Venable Foundation provides needed financial support to organizations that are indispensable to the least fortunate communities and continues a long tradition of unparalleled giving which complements the pro bono legal work and community service of Venable attorneys and staff.

At Venable, we are proud that our clients come to us to solve their most complex legal issues, relying not only upon the knowledge and skills of our attorneys, but also on our unwavering commitment to delivering outstanding service and valuable counsel.

Meet Our Team



Todd A. Harrison
taharrison@Venable.com
202.344.4724

Co-Chair, Food and Drug Group; Co-Chair, Food, Dietary Supplements and Cosmetics



Claudia A. Lewis
calewis@Venable.com
202.344.4359

Co-Chair, Food and Drug Group; Co-Chair, Food, Dietary Supplements and Cosmetics



Justin E. Pierce
jepierce@Venable.com
202.344.4442

Chair, Intellectual Property Division



Michelle C. Jackson
mcjackson@Venable.com
202.344.4492



Daniel S. Silverman
dssilverman@Venable.com
310.229.0373



Calvin R. Nelson
crnelson@Venable.com
202.344.4684



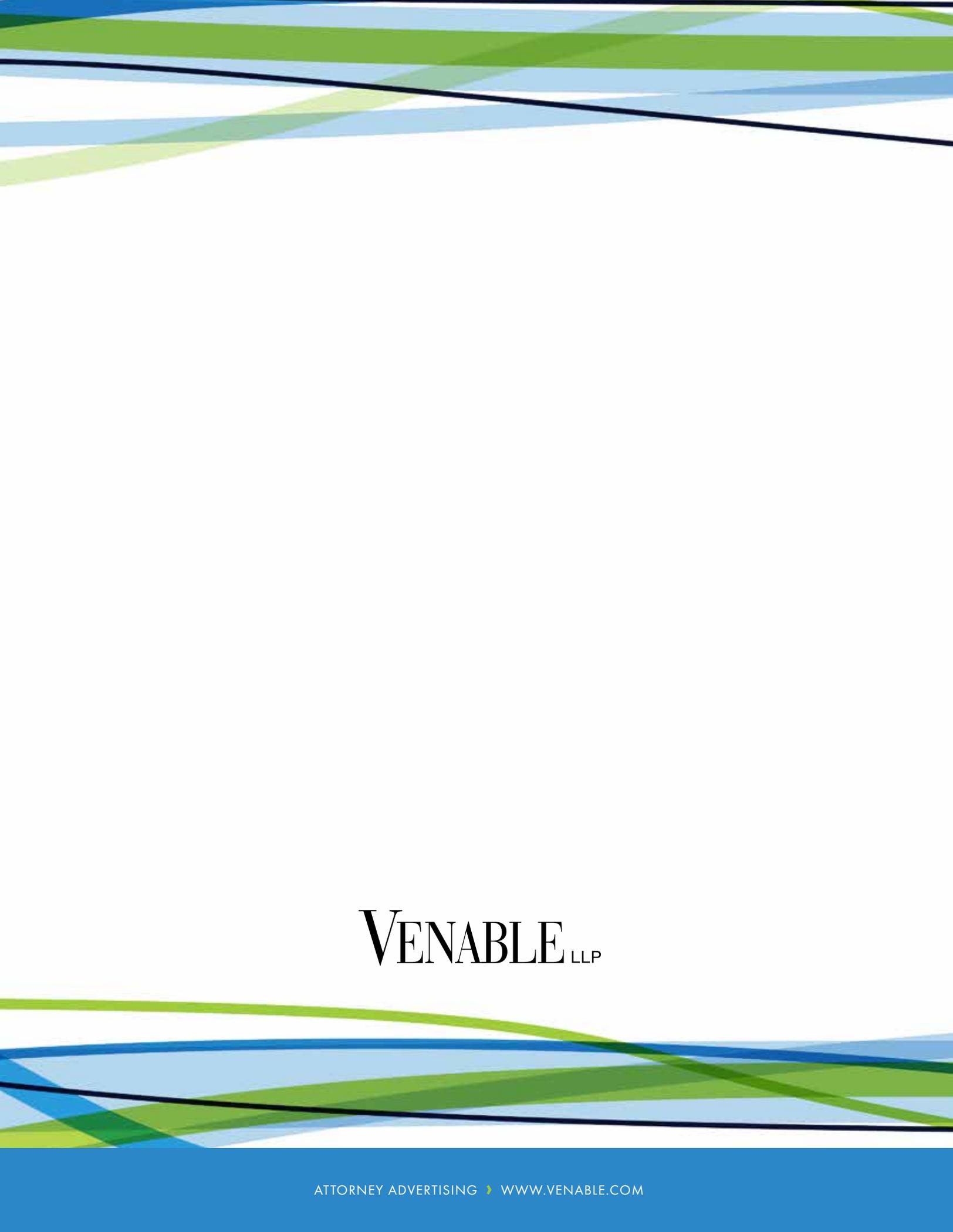
Heili Kim
hkim@Venable.com
202.344.4677



Bety Javidzad
bjavidzad@Venable.com
310.229.9946



Kristen R. Klesh
krklesh@Venable.com
202.344.4830



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