



## → Tyler E. Baker

### Associate

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Tyler Baker is a senior associate in the Intellectual Property Practice Group in the firm's New York office and Century City office in Los Angeles.

### Areas of Practice

Tyler has experience in all areas of the litigation process in commercial disputes involving false advertising claims, trademark and trade dress infringement claims, copyright infringement claims, data privacy claims, patent infringement claims, art ownership and acquisition claims, trade secrets, right of publicity/privacy claims, consumer protection statute claims, and breach of contract claims. He also has experience defending national and multi-state class action lawsuits brought against fashion, retail, and food and beverage clients.

His transactional work includes advertising and product sale/distribution agreements, data and technology transactions focusing on licensing and distribution arrangements, music licensing/performance agreements, fashion, trademark, trade dress, and copyright licensing deals, as well as assets transactions and product development collaborations. He has experience with confidentiality agreements, master service agreements, research arrangements and other similar agreements.

He also handles registration and prosecution of client trademarks before the U.S. Patent and Trademark Office (USPTO) and has experience with matters before the Trademark Trial and Appeal Board (TTAB).

While in law school, Tyler served as an intern to Justice Sonia Sotomayor at the U.S. Court of Appeals for the Second Circuit during her nomination and confirmation process to the U.S. Supreme Court.

### Articles

- Implications of the 2015 Amendments to the Federal Rules on Patent Cases  
*Federal Bar Council Quarterly*
- *Pom v. Coke* At The Supreme Court: FDA Approval May Not Preempt False Advertising Challenges To Labels  
*The Metropolitan Corporate Counsel*, 06.2014
- Fashion Designers: Legally Naked?  
*Law360*, 02.21.2012

### Art Law Gallery Blog Posts

- "Mum's the Word: New York's Highest Court Maintains Anonymity in Auction Sales," January 24, 2014

- "Appropriate Appropriation: Second Circuit Holds That Commentary on Original Work Unnecessary for Fair Use Defense, Only Transformative Quality Required," April 29, 2013
- "Cherchez les Catalogues Raisonné," December 15, 2011
- "Artist Resale Royalties--New Cases under California Law," October 26, 2011

## Corporate & Securities Law Blog Posts

- "Second Circuit Holds That SIPA Does Not Permit an Inflation or Interest Adjustment to "Net Equity" Claims For Customer Property," February 27, 2015
- "Second Circuit Clarifies that Allegations of Direct Fraudulent Representations Are Not Necessary for Market Manipulation Claims Under Section 10(b) and Rule 10b-5," February 11, 2015
- "Second Circuit Affirms Dismissal of Suits Brought by Madoff Trustee Against Banks Accused of Aiding Madoff Fraud," July 2, 2013
- "Second Circuit Holds that Allegations of Direct Fraudulent Representations Are Necessary for Market Manipulation Claims Under Section 10(b) and Rule 10b-5," May 24, 2013
- "New York High Court Holds That State Blue Sky Law Does Not Preempt Common Law Claims Involving Securities," January 4, 2012

## Covering Your Ads Blog Posts

- "FTC Cracks Down On Violations of Newly-Codified "Made in USA" Claims Rule," November 3, 2021
- "#CAUTION: FTC Ramps Up Enforcement of and Education on Social Media Influencer Disclosure Requirements," September 29, 2017
- "#ShowMeTheMoney: Sofia Vergara's Settlement of Social Media False Endorsement Lawsuit Highlights *Modern Legal Issue*," April 14, 2017
- "FTC Grants Summary Judgment Against California Naturel, Inc. Falsely Advertising "All Natural" Sunscreen Products," December 29, 2016

## Fashion and Apparel Law Blog Posts

- "FTC Grants Summary Judgment Against California Naturel, Inc. Falsely Advertising 'Sun Blocked' Sunscreen Products," December 29, 2016
- "Jovani Fashion, Ltd. v. Fiesta Fashions: Second Circuit Finds Dress Designer's Copyright Claim Weak at the Seams," November 29, 2012
- "Second Circuit Digs Its Heels Into *Louboutin* Dispute; Finds "Red Sole" Trademark Protectable, But Limited in Scope," September 19, 2012
- "Louis Vuitton Achieves Genuine Victory Over Flea Market's Phony Sales," March 26, 2012
- "Valentino Receives Favorable TTAB Ruling in Sixteen-Year Trademark Dispute," August 2, 2010

## Intellectual Property Law Blog Posts

- "Gucci's Attempt to Extend Trademark Infringement Liability to Credit Card Merchant Service Providers Survives Motion to Dismiss," June 30, 2010

## **New York Commercial Division Round-Up Blog Posts**

- "Commercial Division Denies Oral Modification and Grants Summary Judgment in Lieu of Complaint," December 17, 2012
- "Looking to Plain Language of Contract, First Department Grounds Concessionaire's Hopes for Rights at JFK Airport," August 13, 2012
- "Commercial Division Rules on Enforceability of Liquidated Damages Clauses," February 13, 2012

## **New York Law Journal Articles**

- "Is the Tide Turning Against Secured Creditors?" June 28, 2010

## **Trade Secrets Law Blog**

- "Employee Confidentiality Provisions: Overbreadth Can Lead to Under-Protection," April 28, 2021

## **Media Mentions**

A Jam-Packed Week of Litigator of the Week Runner-Up and Shout Outs  
*ALM*, 09.01.2023

## **Speaking Engagements**

Sheppard Mullin Seminar for KOTRA New York, KOCHAM USA, "Protecting Your Business Interests: How to Successfully Operate a Business Under the Laws of the United States," June 30, 2016

September 2014 Monthly Consumer Protection Update, ABA Antitrust Section, October 14, 2014

## **Practices**

Advertising

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

IP Licensing, Technology and Commercial Transactions

Patent Litigation

Trade Secrets

Trademark Applications and Prosecution

Trademarks and Trade Dress

Litigation

Securities Enforcement

Telephone Consumer Protection Act (TCPA)

## Industries

Advertising

Art

Entertainment, Technology and Advertising

Food and Beverage

Life Sciences

Retail, Fashion & Beauty

## Education

J.D., Georgetown University Law Center, 2011, *cum laude*, CALI Award – Constitutional Law I: The Federal System

B.A., University of Virginia, 2004, Echols Scholar

## Clerkships

Intern to the Honorable Sonia Sotomayor, U.S. Court of Appeals for the Second Circuit

Intern to the Honorable Robert D. Sack, U.S. Court of Appeals for the Second Circuit

Intern to the Honorable Richard J. Leon, U.S. District Court for the District of Columbia

## Admissions

California

New York

New Jersey

District of Columbia

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Northern District of California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of New York

U.S. District Court, District of New Jersey

## Additional Office

Century City