



## **James R. Hastings**

OF COUNSEL

New York

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*“One of the best healthcare brand protection folks in the business.”*

*- Carl Baranowski, VP and Chief Legal Officer, University of Texas at Tyler*

### **OVERVIEW**

James Hastings has more than twenty years of experience representing healthcare, technology, and consumer goods clients in all facets of trademark law and brand protection. Previously, he served as in-house counsel to a well-known U.S. catalog and e-commerce retailer. He is the editor of the online publication, *Trademark Opposition Lawyer*, a digital guide about contested proceedings before the U.S. Trademark Trial and Appeal Board (TTAB). James is an approved mediator of the International Trademark Association Panel of Mediators, an alternative dispute resolution forum with approximately 150 mediators worldwide. He is also a featured CLE instructor on issues of trademark law and brand protection, including through Strafford Publications and The Knowledge Group. His insight on trademark law has been solicited by and featured in *Corporate Counsel*, *Bloomberg BNA*, *Law.com*, and other national legal publications.

James uses the lean six sigma method for trademark portfolio management and is a certified Legal Lean Sigma® practitioner. Lean management principles have been successfully adopted by leading companies throughout the world. The Lean Method is a client-focused approach that emphasizes delivering value through efficiencies and reducing waste in portfolio and risk management processes.

### **Practices**

Advertising and Marketing  
Brand Protection  
Copyright Litigation  
Copyright Prosecution  
Customs Trademark and Copyright Recordations and Enforcement  
Design and Trade Dress Counseling  
Domain Names and Website Content  
Due Diligence  
Emerging Companies  
*Ex Parte* Trademark Expungement and Reexamination  
False Advertising and Unfair Competition Litigation  
Interferences  
Licensing and Transactions  
Portfolio Management  
Trade Secret Litigation  
Trademark Litigation  
Trademark Oppositions and

James applies it to every client engagement by:

- Starting with the client's legal and business goals first, keeping those goals top of mind.
- Educating clients about best practices for trademark and brand management protection.
- Providing clients with forward-thinking trademark portfolio and litigation plans.
- Drafting pleadings that focus on essential issues and evidence necessary to prove a case - and nothing more.
- Developing respectful, working relationships with opposing counsel. This is always in the client's best interest. The more aggressive in tone, the more expensive and protracted a contested proceeding becomes for the client.
- In cases where settlement is not attainable, developing and executing an effective trial strategy.

Should litigation be unavoidable, James is an exceptionally effective advocate. He excels at finding the sweet spot in litigation, evaluating risks, opportunities, and opposing counsel in order to effectuate a satisfactory outcome whenever possible.

And above all, James *listens*. It may sound obvious, but all too often, attorneys sometimes forget how important the art of listening truly is. He believes his first job is to better know his client's business and brand protection goals. His second task? To always remember the first. Clients need attorneys who listen, know their business, provide them with practical advice, and assemble an array of options to help them achieve their goals.

## EXPERIENCE

James has worked with a wide variety of consumer, health, and technology brand clients over the years in the protection and enforcement of their trademark and intellectual property portfolios. Representative matters include:

- Management of U.S. trademark portfolio of national retailer, including trademark clearance and registration
- Representation of mid-west regional health system against national health insurance company in trademark infringement action in U.S. District Court

Cancellations

Trademark Prosecution

Trademark Searching and Watching

## Education

J.D., Western New England  
University School of Law

B.A., English, Fordham University

## Bar Admissions

New York

Connecticut

- Counsel for Canadian carpool HOV-lane technology solutions company regarding IP portfolio protection
- Representation of publicly-traded gene therapy company in opposition proceedings before the TTAB
- Advise ecommerce company on trademark and direct marketing law compliance and protection
- Represented nationwide road-rally race in trademark opposition proceeding against well-known energy drink company
- Counsel to fantasy sport gaming service in action against major collegiate sport association before the TTAB
- Represented international watch manufacturer in successful defense of action brought under the Anti-cybersquatting Consumer Protection Act (ACPA)