



# Steven Lieberman

Member



“Lieberman is lauded for his prowess as a trial lawyer.”

—Chambers 2015

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Steven Lieberman was born in New York City and admitted to the Bar of the State of New York in 1985 and the Bar of the District of Columbia in 1993. He also is admitted to practice before the United States Supreme Court; United States Courts of Appeals for the Federal Circuit, the D.C. Circuit, the Second Circuit and the Fourth Circuit; United States District Courts for the Southern, Eastern and Northern Districts of New York; United States District Courts for the Southern and Northern Districts of California; United States District Court for the District of Maryland; and the United States District Court for the District of Columbia.

Mr. Lieberman received an A.B. degree from Princeton University, summa cum laude, in 1980 and a J.D. degree from Columbia University Law School in 1984 (Stone Scholar all three years). He is a member of the Giles S. Rich American Inn of Court (President, 2003-04; Vice President 2002-03); the Association of the Bar of the City of New York (Communications Law Committee, 1990-93); the New York State Bar Association (Committee on Media Law, 1993-99); and the American Bar Association.

Following a clerkship with the Honorable Edmund L. Palmieri in the Southern District of New York, Mr. Lieberman was a litigator with Cahill, Gordon & Reindel where he handled a wide range of lawsuits and litigation related matters. During part of that time, Mr. Lieberman also served as a pro bono Special Counsel to the Disciplinary Committee of the New York Appellate Division, First Department. Mr. Lieberman has been litigating patent cases since 1991.

Clients have said about Mr. Lieberman: “[He is] a terrific patent counsel, he is thoroughly knowledgeable about the law and the patent business generally. It is rare that you call him on a new matter where he hasn’t already heard of the claimant and doesn’t already know a good deal about the patent in question. He is a very creative and tenacious litigator, and very successful in handling the problem of NPEs; once plaintiff’s counsel know who they are dealing with, they don’t want us in on the case.”

## Education

J.D., Columbia University Law School - 1984 (Stone Scholar, all three years)

A.B., Politics, Princeton University - 1980 (summa cum laude)

## Bar Admissions

Bar Admissions

District of Columbia

New York

## Court Admissions

United States Supreme Court

Court of Appeals for the Federal Circuit

Court of Appeals for the District of Columbia Circuit

Court of Appeals for the Second Circuit

Court of Appeals for the Fourth Circuit

District Court for the Southern District of New York

District Court for the Eastern District of New York

District Court for the Northern District of New York

District Court for the Southern District of California

District Court for the Northern District of California

District Court for the District of Maryland

District Court for the District of Columbia

In the area of patent litigation, Mr. Lieberman has handled a variety of lawsuits in the pharmaceutical, biotech, veterinary, and medical products fields in both the district courts (and on appeal) and before the International Trade Commission. These actions include representing Burroughs Wellcome Co. in a number of lawsuits including actions relating to AZT (Retrovir) as a therapy for humans infected with the virus that causes AIDS; Zeneca Inc. in an action relating to its prostate cancer therapy Casodex; and Mylan Pharmaceuticals Inc. in actions relating to, inter alia, buspirone, nifedipine, nitroglycerin patches, diltiazem, amlodipine and cimetidine. Mr. Lieberman's representation of Mylan in its patent and antitrust actions against Bristol-Myers Squibb arising from Bristol's improper listing of a buspirone metabolite patent in the Orange Book recently resulted in Bristol paying \$535 million to settle antitrust claims brought against it by Mylan, 29 state Attorneys General, and private class action plaintiffs. He currently represents a number of generic pharmaceutical companies (including Spear Pharmaceuticals and Cypress) and NBTY, the nation's largest manufacturer and distributor of vitamins, in patent infringement litigation, including a case in which NBTY was recently granted summary judgment of patent invalidity.

Mr. Lieberman also regularly represents clients on intellectual property matters relating to electronic commerce. Mr. Lieberman's clients in this area include both Fortune 500 companies and Internet start-up entities. For example, Mr. Lieberman currently represents or has recently represented The New York Times Company, Dow Jones, News Corporation of America, Disney, CBS, NBCUniversal, Fandango, Dentsply Sirona, LGE, Netflix, HarperCollins, Simon & Schuster, Random House, Advance Publications, ALM Media, American Media, Cox Broadcasting, CNBC, Fox News, Fox Interactive Media, Fox Sports Interactive Media, Fox Broadcasting, Univision, Hulu, Time Warner, HBO, CBS Interactive Inc., Spear Pharmaceuticals, Cypress Pharmaceuticals, Gannett, Investment Technology Group (ITG), Cognizant and the McGraw-Hill Companies in litigation or litigation-related matters. He advises companies with respect to evaluation of potentially patentable inventions, strategic planning for protecting intellectual property relating to Internet businesses, and potential infringement issues. Mr. Lieberman recently obtained several summary judgment rulings of invalidity or non-infringement on behalf of accused infringers and obtained a judgment (after trial) of willful infringement for an e-commerce client that had sued a competitor for copying several of its online advertisements. In addition to finding willful infringement following a bench trial, the Court in that case awarded Mr. Lieberman's client both statutory damages and more than \$250,000 in attorneys' fees and costs.

Mr. Lieberman has considerable expertise and experience in handling the post-grant proceedings created by the America Invents Act. Specifically, he regularly first-chairs final hearings before the Patent Trial and Appeal Board ("PTAB") in both IPR and CBM proceedings.

Mr. Lieberman, a Certified Information Privacy Professional in the United States (CIPP/US), advises clients on the broad range of cybersecurity, privacy, and data protection issues that businesses face daily, including the effects of the GDPR on U.S.-based entities, and he has extensive experience successfully

Six Attorneys  
Recognized in 2018  
IAM Patent 1000



Firm and Two  
Attorneys Ranked  
in Chambers USA  
2018



Attorneys  
Recognized as  
2018 MIP IP Stars



21 Attorneys  
Named to 2018  
Washington, DC  
Super Lawyers and  
Rising Stars Lists



Our Clients Say...

[Steve is] good at making analogies speaking to judges who are maybe familiar with pure IP matters.

—Chambers 2015

representing clients in privacy-related investigations initiated by the Federal Trade Commission (FTC). He has been a co-author of the District of Columbia section of the Media Law Resource Center's annual 50-State Survey of Media Privacy and Related Law since 1995, and he regularly writes and lectures in the field.

Mr. Lieberman regularly represents clients with respect to matters involving trade secrets, including representing clients in litigation involving theft of trade secrets.

Mr. Lieberman also has particular expertise in the First Amendment area. At Cahill, Gordon & Reindel he worked extensively with Floyd Abrams and Dean Ringel on a variety of media matters including many high-profile defamation suits. Currently, Mr. Lieberman advises clients on First Amendment issues, litigates First Amendment cases, and has served as an expert witness on U.S. defamation law. Mr. Lieberman served as co-counsel to The New York Times in a defamation action brought by the former chief medical examiner of the City of New York that was dismissed on summary judgment after fifteen years of litigation. He recently won a groundbreaking ruling from the United States District Court for the District of Columbia, quoting in its entirety a subpoena pursuant to which a major pharmaceutical company sought to compel The Cancer Letter to produce documents and testimony regarding its confidential and non-confidential sources. He has co-authored an amicus brief to the United States Supreme Court on behalf of the American Bar Association in the First Amendment/copyright case *Golan v. Holder*.

Mr. Lieberman is a past President of the Giles S. Rich American Inn of Court, the D.C. Inn devoted to the practice of intellectual property law. He has served as chairman of the Defamation and New Technologies Subcommittee of the Committee on Media Law of the New York State Bar Association; chairman of the Media Law Resource Center ("MLRC") Cyberspace Committee; chairman of the Patent Enforcement Issues Subcommittee of the ABA Section on Intellectual Property Law Committee 101; and as a member of Editorial Advisory Board for BNA's Pharmaceutical Law & Industry Report. Mr. Lieberman currently serves as a member of the Sedona Conference WG10 Working Group on Biopharma Litigation issues and the Intellectual Property Advisory Board of George Washington University Law School. Mr. Lieberman has written on the subject of defamation and the Internet; has written on a variety of issues relating to patent litigation and the use of patents in the pharmaceutical industry, defamation and the Internet; has edited two collections of articles on Internet defamation issues for the New York State Bar Association and the MLRC; and has appeared on television, on the radio and in print as a commentator on First Amendment and/or intellectual property issues. Mr. Lieberman appeared as a Speaker at the Managing Intellectual Property US Patent Forum (2015-2017); Speaker, the BIO IPCC Spring Conference (2017-2018); Guest Speaker, Food and Drug Law Institute ("FDLI"), Enforcement and Litigation Issues in Drug and Medical Device Law: Trouble in Court and How to Stay Out of It (2002); Guest Lecturer, Institute for International Research Conference on Generic Drugs (2002); Breakout Session Leader, NAA/NAB/LDRC Libel Conference (Cyberlaw) (1997, 1999, 2002); Invited Speaker, Georgetown Law School, Hatch-Waxman Act (2002); Invited Speaker, Syracuse University College of Law, Patent

He is thorough on the back-office stuff, b extremely comfortable in the courtroom, is level-headed but passionate and anim advocate. His ability to analyze complex and parse out what issues and argumen appealing to the decision maker distingu

—IAM Patent 1000

[Steve] can try any kind of case and of the facts, is fantastic in court. If yo looking to avoid litigation, he advise path is best for your company, not v best for business.

—IAM Patent 1000

“You don't know advocacy until has been your lawyer.”

—Chambers

Attorneys  
Recognized as  
2018 Life Sciences  
Stars



Steven Lieberman  
Named BTI Client  
Service All-Star  
2015



Policy in the Pharmaceutical Industry (2003); Invited Speaker, FDLI, FDA's New Rule on Patent Listing Requirements and 30-Month Stays (2003); Guest Speaker, Global Generics Strategy Summit: The Battle for "Authorized Generics": Is There a Future? (2007); and Invited Speaker, IP Organizing Subcommittee of the Maryland State Bar Association: A Trademark as a Sponsored Link: Is it an Actionable "Trademark Use" and is it Infringement? (2007). He is also author of "Selected Issues Regarding Patent Infringement Lawsuits Brought by Non-Practicing Entities (Or How to Deal With Patent Trolls in the Digital Age)", MLRC Bulletin, No. 1, Legal Frontiers in Digital Media (2013).

Mr. Lieberman has lectured on patent litigation in a wide variety of fora, including Georgetown University Law School, George Washington Law School, the Giles S. Rich American Inn of Court and the United States Patent and Trademark Office. Mr. Lieberman has received a number of awards/recognitions, including being recognized in Chambers USA (2012-2018) in the area of intellectual property litigation in the District of Columbia, and in the 2018 edition, being described as "incredibly thorough and extremely strategic in his thinking." Additionally, Mr. Lieberman is included in the Washington, DC Super Lawyers list (2007-2018) and is ranked as one of the Top 100 lawyers in Washington DC by Super Lawyers in 2018; recognized by IAM Patent 1000 - The World's Leading Patent Professionals (2013-2018) in the DC Metro Area, and in 2015, was elevated to the IAM Patent 1000's Gold Tier in litigation; named to the LMG Life Sciences "Stars" list (2013-2018); named an IP Star by Managing Intellectual Property (MIP); and rated by Martindale-Hubbell as an AV® Preeminent™ lawyer. He was selected as a recipient of the Super Lawyers Pro Bono Award in 2012, and was featured on the cover of the Super Lawyers Magazine featuring the Pro Bono Awards recipients.

Mr. Lieberman serves or has served on the boards of a number of non-profit organizations including the Charles E. Smith Jewish Day School, Beth Sholom Congregation and Talmud Torah (of which he is currently a Trustee), Yeshivat Chovevei Torah ("YCT") and the Association for Safe International Road Travel. Mr. Lieberman served as Chairman of the Board of Yeshivat Chovevei Torah ("YCT"), an open Orthodox rabbinical school from 2010 until August 2016, and is currently Chairman Emeritus. He regularly represents clients on a pro bono basis in cases involving religious liberties. These cases have included a lawsuit against the District of Columbia arising from its scheduling of a special election on a Jewish holiday, which resulted in D.C. agreeing not to schedule future elections on Jewish holidays; a lawsuit involving the desecration of Jewish graves at the Belzec death camp in Poland; and a lawsuit against the late Venezuelan President Hugo Chavez on behalf of the Jewish community in Caracas before the Inter-American Commission on Human Rights. He currently represents Chabad in its lawsuit against the Russian Federation arising from the Russian Federation's theft of and unlawful refusal to return Chabad's sacred books and manuscripts.

Mr. Lieberman has been honored by Ohev Sholom — The National Synagogue, Beth Sholom Congregation of Talmud Torah, Yeshivat Chovevei Torah and the Association for Safe International Road Travel for his work on behalf of those organizations.

## Relevant Experience

Bayer Schering Pharma AG et al v. Sandoz, Inc. et al.

Robert Mankes v. Fandango LLC et al.

CyberFone Systems LLC v. CNN Interactive Group Inc. et al.

George D. Petito et al. v. Puritan's Pride Inc. et al.

Rothschild Broadcast Distribution Systems, LLC v. Univision Communications Inc.

Rothschild Broadcast Distribution Systems, LLC v. NGC Network US, LLC

Driessen v. Sony Music Entertainment et al.

Bartonfalls LLC v. Turner Broadcasting System, Inc.

Two-Way Media Ltd. v. NBCUniversal

Agudas Chasidei Chabad of United States v. Russian Federation, et al.

Bristol-Myers Squibb v. Mylan Pharmaceuticals

Schering and RousselUCLAF v. Zeneca

Elliot M. Gross v. The New York Times Company et al.

Burroughs Wellcome v. Barr Labs and Novopharm, Ltd.

Outdoor Optics Inc. d/b/a Olympic Optical Co. v. Wolf Peak International Inc.

Marion Merrell Dow v. Mylan

DENTSPLY International Inc. v. Great White

Rabbi Avi Weiss v. Howard Univ. et al.

Skechers U.S.A., Inc. v. Superga U.S.A., Inc. et al.

Fosber America, Inc. v. Mitsubishi Heavy Industries, Ltd.

InternetAd Sys., LLC and JS Technologies, Inc. v. ESPN, Inc., Travelocity.com, Inc. & The New York Times Co.

## Areas of Concentration

Patent Litigation

Cybersecurity, Privacy, and Data Protection

Constitutional Law (including religious liberties)

Libel Litigation

Trade Secrets Litigation

Hatch-Waxman Litigation

IPR/CBM Proceedings

Federal District Court and Appellate

Licensing and Transactions

## Publications & Presentations

Co-author, District of Columbia section of the Media Law Resource Center's annual 50-State Survey of Media Privacy and Related Law.

Moderator, Biotechnology Innovation Organization (BIO) IP Counsel Committee (IPCC) Spring Conference, From Allegation to Adjudication: Preparing for Patent Litigation (April 12, 2018).

Panelist, Fordham IP Law Institute & Emily C. and John E. Hansen IP Institute 26th Annual Intellectual Property Law & Policy Conference, U.S. Patent Developments (April 5, 2018).

Panelist, Fordham IP Law Institute & Emily C. and John E. Hansen IP Institute 25th Annual Intellectual Property Law & Policy Conference, Patent Assertion Entities in the U.S. and EU: Common Features, Differences, and Future Trends (April 21, 2017).

Moderator, Biotechnology Innovation Organization (BIO) IP Counsel Committee (IPCC) Spring Conference, Ethical Issues in the Pharmaceutical Industry, Including in Hatch-Waxman and Biosimilar Litigations (March 29, 2017).

Moderator, Managing Intellectual Property's US Patent Forum, Patentable Subject Matter: Is the Pendulum Swinging Back? (March 23, 2017).

Panelist, Managing Intellectual Property's US Patent Forum, Examining Recent Litigation Trends (March 17, 2016).

Panelist, Managing Intellectual Property's US Patent Forum, Responding to Malicious Lawsuits and Unintended Implications on the Industry (March 18, 2015).

Author, Legal Frontiers in Digital Media: MLRC Bulletin 2013 Issue 1, Selected Issues Regarding Patent Infringement Lawsuits Brought by Non-Practicing Entities (Or How to Deal With Patent Trolls in the Digital Age) (May 2013).

Speaker, Global Generics Strategy Summit, The Battle for "Authorized Generics": Is There a Future? (2007).

Speaker, IP Organizing Subcommittee of the Maryland State Bar Association, A Trademark as a Sponsored Link: Is it an Actionable "Trademark Use" and is it Infringement? (2007).

Speaker, Syracuse University College of Law, Patent Policy in the Pharmaceutical Industry (2003).

Speaker, Georgetown University, Latest Thinking on Attacking/Defending Patents in the U.S. Pharmaceutical Market (2003).

Speaker, FDLI, FDA's New Rule on Patent Listing Requirements and 30-Month Stays (2003).

Speaker, Georgetown Law School, Hatch-Waxman Act (2002).

Speaker, FDLI, Enforcement and Litigation Issues in Drug and Medical Device Law: Trouble in Court and How to Stay Out of It (2002).

Guest Lecturer, Institute for International Research Conference on Generic Drugs (2002).

Breakout Session Leader, NAA/NAB/LDRC Libel Conference (Cyberlaw) (1997, 1999, 2002).