



## Howard A. Kroll

### Partner

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### Howard Kroll specializes in intellectual property litigation.

A career litigator, Howard handles lawsuits involving claims of copyright and trademark infringement, cybersquatting, Internet law, and trade secrets at the trial and appellate level. He has found great success in protecting the intellectual property of companies in areas including social media, jewelry, sports and live entertainment, cell phones, and computers. Howard is also experienced in complex commercial litigation.

Silver band-ranked in *World Trademark Review 1000: The World's Leading Trademark Professionals (WTR 1000)*, Howard is described as a "litigation ace" who "protects his clients in a smart, positive and energetic way, while facilitating business rather than being a barrier to it." His success in contentious matters runs the industry gamut, with millions of dollars in damages in infringement matters secured over his 40-plus-year career, notes *WTR 1000*. "For trademark work, Howard is the best in the industry," one client comments.

Outside of law, Howard enjoys history, politics, film, the Academy Awards, and musical theater. A diehard Dodgers fan, he has held season tickets since 1981. Howard and his wife Sue are the proud parents of three sons.

### Education

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- University of Southern California (J.D., 1981)
- Claremont McKenna College (B.A., cum laude, 1978)

### State Admissions

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- California, 1981

### **Federal Admissions**

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- Supreme Court of the United States
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit
- United States District Court, Central District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California
- United States District Court, District of Colorado
- United States District Court, Northern District of Illinois

### **Service Areas**

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- Intellectual Property
- IP Litigation
- Copyright Law
- Trademarks
- Internet Law & Domain Names
- Business Litigation

## Experience

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- Represented a cell phone company in complex cybersquatting action involving another company's registration and use of 663 domain names confusingly similar to client's trademarks; obtained judgment for \$33,150,000—the largest cybersquatting judgment granted in the United States to date—and permanent injunction
- Represented a cell phone company in complex cybersquatting action involving another company's registration and use of 241 domain names confusingly similar to client's trademarks; obtained judgment for \$24,100,000 and permanent injunction
- Represented a multinational computer technology company in complex cybersquatting action involving the registration and use of over 1,000 domain names that were confusingly similar to client's trademarks; obtained consent judgment and permanent injunction pursuant to confidential settlement agreement
- Represented a luxury retailer in complex cybersquatting action involving the registration and use of over 25 domain names confusingly similar to client's trademarks; obtained permanent injunction pursuant to confidential settlement agreement
- Represented a jewelry designer in copyright and trade dress infringement claim against a competitor; obtained judgment for \$1,182,326.01 and permanent injunction
- Represented a jewelry designer in copyright and trade dress infringement claim against competitor; obtained judgment for \$650,000 and permanent injunction
- Represented a jewelry designer in a counterfeiting action against a jewelry retailer for the sale of one ring; obtained judgment for \$200,000 and permanent injunction
- Represented a software company in anti-piracy program directed to end users infringing copyrights of software companies
- Represented a multinational computer technology company in developing and implementing anti-piracy program directed to end users infringing client's copyrights
- Represented a Japanese chemical engineering firm in successful defense of a claim based on a theory of restitution that plaintiff was entitled to compensation for costs it incurred in recalling L-tryptophan-containing products that may have been manufactured by client; the Ninth Circuit Court of Appeals affirmed the district court's grant of summary judgment in favor of client
- Represented a Japanese chemical engineering firm in successful defense of products liability claim brought by plaintiff seeking over \$100,000,000 in damages for injuries resulting from her consumption of L-tryptophan-containing products; jury verdict issued in favor of client
- Represented a French multinational electricity generation company in successful defense of a commercial claim in which an insurance company sought reimbursement for over \$8,000,000 that it paid to a cogeneration facility for business interruption loss caused by the failure of a generator manufactured by client; the Ninth Circuit Court of Appeals affirmed the district court's grant of summary judgment in favor of client finding that the contract at issue completely released client from liability for consequential damages
- Represented a French multinational electricity generation company in action to enforce arbitration award of over 67,000,000 francs rendered by the International Chamber of Commerce in Paris, France; summary judgment granted in favor of client
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Represented a group of oil companies in successful eminent domain trial to obtain the right to construct underground pipelines in Santa Barbara, California

## **Publications & Events**

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### **SPEAKING ENGAGEMENTS**

- “Trademarks vs. Business Names: Understanding Differences and Why They Matter,” National Association of Secretaries of State (NASS) 2017 Winter Conference, Washington, D.C. (February 2017)

### **MEDIA QUOTES**

- “INTA Addresses U.S. Secretaries of State,” *INTA Bulletin* (April 2017)
- “Verragio Says It’s Cracking Down on Copycats,” *National Jeweler* (January 2017)
- “High-End Jewelry Maker Claims Norfolk Store Sold Counterfeit Ring,” *The Virginian-Pilot* (July 2016)
- “Artisan Jewelers Files Civil Complaint Against Verragio Over Instagram Post,” *JCK* (July 2016)

## **Honors**

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- *WTR 1000*
  - » Enforcement and Litigation – California (2019-2024)
- Top Rated Lawyer in Intellectual Property Law (ALM) (2016-2018)

## **In the Community**

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- California Bar Association
- American Bar Association
- International Trademark Association (INTA)
  - » Building Bridges Committee
    - » Manufacturing Subcommittee Member (2020–2024)
    - » Vice Chair (2024–2025)
  - » Trademark Enforcement Committee
    - » Policy Advocacy Subcommittee, Task Force 1
      - » Member (2016–2018)
      - » Leader (2018–2020)
- Intellectual Property Owners Association
  - » Copyright Law & Anti-Piracy Committee
- USC Moot Court Judge (1985-present)
- Milken Community Schools, Annual Giving Campaign, Co-Chair
- Stephen S. Wise Temple Elementary School, Search Committee for Head of School, Chair
- Stephen S. Wise Temple Elementary School, Annual Giving Campaign, Co-Chair