



Adam S. Baldrige

Shareholder

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Adam Baldrige concentrates his practice in intellectual property and technology litigation, with extensive experience in copyright, trade secret, trademark, trade dress, patent, unfair competition and right-of-publicity cases.

Mr. Baldrige is currently chair of Baker Donelson's Intellectual Property Group and concentrates his practice in intellectual property and technology litigation. He is listed in *The Best Lawyers in America*[®] in Intellectual Property Litigation, Copyright Law, Patent Litigation and Trademark Law. He has extensive experience in copyright, trade secret, trademark, trade dress, patent, unfair competition and right-of-publicity cases.

Mr. Baldrige represents clients before many district courts throughout the United States and has appeared before the Federal Circuit Court of Appeals, the Sixth Circuit Court of Appeals, and the United States Supreme Court. He also represents clients on a regular basis before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office as well as the United States Copyright Office.

Mr. Baldrige advises a wide variety of clients, including publicly traded companies as well as small businesses, start-ups and individuals, and helps his clients obtain and maintain their competitive advantages in the marketplace through intellectual property procurement and through litigation. Mr. Baldrige also counsels clients on how to avoid infringement of the intellectual property rights of others and defends clients in intellectual property cases across the United States. Mr. Baldrige has been involved in extensive patent and copyright licensing disputes. He has drafted and negotiated numerous license agreements for copyrights, trade secrets, patents and trademarks. Mr. Baldrige also has extensive experience in drafting and negotiating technology agreements.

Mr. Baldrige helps his clients obtain trademark registrations from the United States Patent and Trademark Office as well as prosecutes infringers and defends accused clients in trademark, trade dress and unfair competition litigation.

Additionally, he helps clients implement corporate procedures and policies to protect proprietary and trade secret information from use by unauthorized persons and to avoid inadvertent disclosure. He frequently provides training for his clients and their employees on how to properly handle trade secrets of the company. Mr. Baldrige represents clients in trade secret disputes arising from theft of trade secret and proprietary information. Mr. Baldrige frequently advises clients regarding non-disclosure and confidentiality obligations and agreements, helping his clients protect intangible assets as well as developing creative solutions for clients on how to avoid breaching non-disclosure obligations.

Mr. Baldrige helps clients protect their creative works through copyright registrations obtained from the United States Copyright Office and through litigation. He also helps clients facilitate and pursue business opportunities related to their creative works.

In addition to advising clients on entertainment law, Mr. Baldrige is involved in the music recording stratum and spends time on a regular basis in recording studios writing songs and providing engineering, production and legal assistance.

Prior to joining the firm, Mr. Baldrige was a judicial law clerk for the Honorable Judge J. Daniel Breen of the United States District Court for the Western District of Tennessee.

Representative Matters

Trade Secrets

- Successfully defended publicly traded company in trade secret misappropriation case in Delaware Chancery Court involving technical information related to the manufacture of plastic films.
- Successfully defeated preliminary injunction motion and resolved case in client's favor involving claims of copyright infringement and trade secret misappropriation involving electronic artwork and computer programs.
- Successfully defended high stakes trade secret misappropriation case involving medical procedures, customer lists and preferences and software programs.
- Successfully prosecuted large trade secret misappropriation case resulting from failed business acquisition and violations of non-disclosure and confidentiality agreements.
- Represented client in a trade secret misappropriation case involving software and algorithms trade secrets which resulted in a month-long jury trial, a successful jury verdict awarding significant compensatory damages award, and a finding of willful and malicious misappropriation leading to an award of attorney's fees and exemplary damages.
- Successfully defended trade secret case in Southern District of Florida involving Bluetooth® technology due to novel argument based on the intersection of Florida statutory law regarding restrictive covenants and Florida trade secret law.
- Frequently provide training to clients on best practices for protecting and maintaining a client's trade secrets

Trademark & Copyright

- Successfully represented designer and manufacturer of cheerleading apparel in copyright infringement suit, including successful appeal to the Sixth Circuit Court of Appeals which was affirmed by a 6-2 decision of the United States Supreme Court, where the Supreme Court established a new standard and resolved a circuit-split regarding the proper test for conceptual separability and copyrightability applicable for two-dimensional artwork applied to useful articles.
- Successfully represented multi-national corporation in complex copyright dispute brought by actor involving actor's performance in print advertisements, radio spots and television commercials used in large scale advertising campaign.
- Manage and enforce large international trademark portfolios for celebrities and clients in the fashion industry.
- Successfully represented client in large dispute involving copyright infringement claims for photographs sold on eBay.
- Represented client and performed extensive due diligence in the acquisition of large patent and trademark portfolios.
- Successfully defended against claims of trade dress infringement and trademark infringement directed to consumer product labels.
- Manage and enforce large trademark portfolios for multiple health care providers.
- Outside IP counsel for multiple consumer good manufacturers and resellers.
- Trademark and copyright counsel for clients in the agriculture-chemical industry.
- Advised client in negotiation and purchase of large trademark portfolio from competitor.
- Outside trademark counsel for multiple clients in the restaurant services industry and food preparation industry, including providing brand advice and strategy for growth.
- Outside intellectual property and technology counsel to software providers in the diagnostic and orthopedic industries.
- Advised recording artists and songwriters regarding entertainment/music industry agreements and protection of intellectual property, including negotiation of publishing agreements, 360 deals, drafting

and negotiating synchronization licenses for use of songs in films, drafting recording agreements for Grammy® Award winning artists and counseling artists on obtaining commercial success.

Patent

- Successfully defended patent infringement suit against client which resulted in patentee surrendering patent rights through formal disclaimer.
- Prosecuted patent infringement case in the United States District Court for the Eastern District of Arkansas and obtained permanent injunction against defendant prohibiting further competition in the marketplace.
- Represented inventors in complex patent infringement case in which the court ruled in the client's favor on the ultimate question of patent infringement and on the dispositive issue of the on-sale bar under 35 U.S.C. § 102(b).
- Obtained summary judgment in client's favor defeating allegation that client's design patents were invalid as functional and obtained summary judgment disposing of infringer's defenses of implied license and alleged tying arrangement.
- Helped client obtain preliminary injunctions in two patent infringement actions in the United States District Court in the Middle District of Tennessee.
- Successfully negotiated dispute of multiple patents through complex licensing agreement.



Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Litigation - Intellectual Property, Copyright Law, Patent Litigation and Trademark Law (2011 – 2024)
- Named the Best Lawyers® 2022 Litigation - Intellectual Property "Lawyer of the Year" in Memphis
- Editorial Board – Intellectual Property Magazine, *Landslide*®, a publication of the American Bar Association's Section of Intellectual Property Law (2009 – present)
- Selected to Mid-South Super Lawyers in IP Litigation (2020 – 2023)
- Named a Mid-South Rising Star – Intellectual Property Litigation, *Mid-South Super Lawyers* (2009, 2011 – 2019)
- Named a 2013 "Mid-South Power Player" in Entertainment Law, *Memphis Business Quarterly* (now *Inside Memphis Business*)
- Fellow – Memphis Bar Foundation
- Member – American Bar Association (ABA): Intellectual Property Law Section
 - Former Vice Chair – Copyright Litigation Committee
- Member – American Intellectual Property Law Association (AIPLA); Tennessee Intellectual Property Law Association (TIPLA); Tennessee Bar Association (TBA); Memphis Bar Association (MBA)
- Member – International Songwriters' Association
- *Harlan Fiske Stone* Scholar – Columbia University School of Law
- *Columbia Journal of Environmental Law*, Executive Editor
- Member – Golden Key National Honor Society
- Member – Beta Alpha Psi Accounting Fraternity
- Judicial clerk for the Honorable Chief Judge J. Daniel Breen of the United States District Court for the Western District of Tennessee



Publications

- "Artificial Intelligence: Intellectual Property Considerations for Your Business Operations" (February 2024)
- Co-author – "Generative Artificial Intelligence Asks Questions of Innovation in Patent Law" (September 2023)
- Co-author – "Right of Publicity Laws: Tennessee," Thomson Reuters Practical Law (November 2022)
- Co-author – "Trademark Laws: Tennessee," Thomson Reuters Practical Law (August 2022)

- Co-author – "The Arts: A Critical Part of Coping," *Women's Initiative Newsletter* (October 2020)
- Co-author – "Trademark Laws: Tennessee," *Westlaw* (January 2020)
- Co-author – "Proposed Amendments to US Patent Law Could Overhaul the Regime as We Know It," *IAM Weekly International Report* (June 2019)
- Co-author – "Supreme Court Declines to Narrow On-Sale Bar," *IAM Weekly International Report* (February 2019)
- Co-author – "Supreme Court Moves Goalposts of the On-Sale Bar," *IAM Weekly International Report* (November 2018)
- Co-author – "Right of Publicity," *The Licensing Journal* (October 2018)
- Co-author – "Two Iconic Brands – Federer's Uncertain Hope to Obtain the RF Logo from Nike," *IAM Weekly International Report* (August 2018)
- Co-author – "Balance Between Brand Protection and Artistic Expression: Strengthening the First Amendment," *IAM Weekly International Report* (June 2018)
- Co-author – "Federal Circuit Continues to Narrow Appellate Jurisdiction," *IAM Weekly International Report* (March 2018)
- Co-author – "Can the Bankruptcy Model Salvage *Inter Partes* Review?," *IAM Weekly International Report* (November 2017)
- Co-author – "Strategically Choosing Venue at the Intersection of Corporate and Patent Law," *IAM Weekly International Reports* (July 2017)
- "Impact of Defend Trade Secrets Act on Litigating in State Court," *IAM Weekly International Reports* (June 2016)
- Co-author – "Latest Developments in Copyright Law: *Home Legend, LLC v. Mannington Mills, Inc.*, The Eleventh Circuit Address Separability Under Copyright Law," American Bar Association Intellectual Property Roundtable (2015)
- "Venue Considerations for Patent Infringement Cases," *Recent Trends in Patent Infringement Lawsuits, part of the Inside the Minds Series, Aspatore Books* (March 2013)
- Co-author – "*Commil USA, LLC v. Cisco Systems, Inc.*, Patent Inducement Claims and Invalidity, and *Coach, Inc. v. Goodfellow*, Contributory Liability Based on Trademark Infringement by Vendors," American Bar Association Intellectual Property Roundtable (2013)



Speaking Engagements

- "Defend Trade Secrets Act," ABA Intellectual Property Litigation Roundtable Series (May 2016)
- "What Songwriters Need To Know About Intellectual Property," The Greater Memphis Songwriter's Guild (2015)
- Speaker and Panelist – Intellectual Property Panel for Life Science Tennessee Annual Conference & Venture Forum (2015)
- Speaker and Panelist – "Non-Practicing Entities and Patent Reform," the Honorable Jon P. McCalla moderating (November 2014)
- "Expert Witnesses in Intellectual Property Cases," U.S. District Court for the Western District of Tennessee and the Honorable Bernice Donald, Sixth Circuit Court of Appeals, hosting delegation of Bosnian Judges (May 2011)



Webinars

- Ninth Annual Tennessee Hospitality & Tourism Association Law Symposium (July 2020)



Education

- Columbia University School of Law, J.D., with honors, Stone Scholar
- University of Memphis, B.B.A., magna cum laude



Admissions

- Tennessee
- U.S. District Court for the Western and Middle Districts of Tennessee
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Supreme Court