



Grady M. Garrison

Of Counsel

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Grady Garrison concentrates his practice in the areas of intellectual property law and franchise law.

Mr. Garrison has experience in trademark, copyright, franchising, antitrust and trade regulation matters and licensing, litigation and transactional issues related thereto. Mr. Garrison successfully argued the copyright case before the Sixth Circuit Court of Appeals, which decided two issues of first impression in the Circuit: the test for conceptual separability for designs of useful articles, and the deference to be given by the courts to Copyright Office determinations. Mr. Garrison thereafter co-authored his client's briefs to the Supreme Court of the United States, which on March 22, 2017, affirmed the Sixth Circuit decision and formulated a new test for conceptual separability. The Supreme Court decision has far-reaching implications for the fashion industry and other owners of designs of useful articles.

Representative Matters

- Represented a global logistics company in federal district court against the world's largest supplier of bar code scanning technology in a case involving claims of breach of contract, misappropriation of trade secrets and technology, conversion and breach of fiduciary duty, which resulted in a multi-million dollar settlement.
- Obtained a favorable settlement for a producer of cereal and convenience foods in a trademark infringement action against a global oil and gas company.
- Represented the world's largest cheerleading and dance company in trademark, copyright and proprietary information litigation matters.
- Obtained summary judgment on all claims against a manufacturer of cheerleader uniforms in North Carolina Superior Court in a lawsuit concerning the failed merger of two North Carolina cheerleading gyms.
- Successfully represented a sports apparel production company in a case concerning copyright protection for design elements on uniforms. Baker Donelson was able to convince the U.S. Supreme Court that two-dimensional designs incorporated into the company's uniforms were entitled to copyright protection under a conceptual separability test adopted by the Court. This ruling was a significant victory for Baker Donelson as it marked the first time the Supreme Court had issued a ruling on apparel design copyright. It provides powerful precedent for the garment industry and fashion designers to protect their intellectual property against knockoffs.

Professional Honors & Activities

- Member – Board of Directors of the Memphis Rock 'N Soul Museum
- Member – Founding Board of Directors of Promise Academy, Inc.
- Member – International Bar Association
- Member – American Bar Association (Antitrust Law Section; Patent, Trademark and Copyright Law Section; Co-Chair, Intellectual Property Litigation Subcommittee; Roundtable Moderator, Litigation Subcommittee on IP Litigation; Forum Committee on Franchising)
- Member – Tennessee Bar Association
- Member – Tennessee Intellectual Property Law Association (Board of Governors, 1996 – 98)
- Member – Memphis Bar Association
- Member – Memphis Area Franchise Association (President, 1988 – 1998)

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*® since 1995 in the areas of Franchise Law, Trademark Law and Intellectual Property Litigation Law
- Named the *Best Lawyers'* 2014 Memphis Trademark Law "Lawyer of the Year"
- Named the *Best Lawyers'* 2013 Memphis Litigation - Intellectual Property and 2013 Memphis Trademark Law "Lawyer of the Year"
- Listed in *Mid-South Super Lawyers*, Intellectual Property, since 2006
- Named to *Business Tennessee* magazine's "150 Best Lawyers" in the area of intellectual property law (2009)
- Adjunct Professor and Founder – Franchise Law, University of Memphis School of Law
- Adjunct Professor – Copyright and Licensing, University of Memphis School of Music



Publications

- Co-author – "Nike Jumpman Logo: Not Yet a Slam Dunk," *IAM Weekly International Reports* (July 2018)
- "New Copyright Protection Test for Designs of Useful Articles," *IAM Weekly International Reports* (December 2017)
- "Copyright Protection for Designs of Useful Articles," reprint, *Lexology* (April 2016)
- "Copyright Protection for Designs of Useful Articles," *IAM Weekly International Reports* (April 2016)



Speaking Engagements

- "Untangling Alice: A New Blueprint for "Abstract Idea" Litigation and for Patent Prosecution?" (November 2018)
- "The Copyright Act and Conceptual Separability: Statutory Construction and Clear Meaning" (April 2018)
- "A New Test for Copyright Protection for Designs of Useful Articles," The Florida Bar's 9th Annual Intellectual Property Symposium (April 2018)
- "Can Tech Companies Be Required to Monitor and Filter Out "Illegal Content"?" (December 2017)
- "Branding Inside & Out" (November 2017)
- "Copyright Infringement in the Cloud," ABA Intellectual Property Litigation Roundtable Series (February 2016)
- "After Lexmark, Is International Patent Exhaustion on the Horizon?," ABA Intellectual Property Litigation Roundtable Series (December 2015)
- "Three Upcoming Patent Law Decisions Expected from the Supreme Court," ABA Intellectual Property Litigation Roundtable Series (April 2015)
- "Selected Hot Topics in Intellectual Property Law 2014," ABA Intellectual Property Litigation Roundtable Series (October 2014)
- Co-presenter – "A Review of Significant Intellectual Property Developments in 2012," University of Mississippi's annual "CLE by the Hour" seminar (December 2012)



Education

- New York University, LL.M. in Trade Regulation, 1977
- Memphis State University, J.D., 1972
- Vanderbilt University, B.A., 1967,
 - Phi Eta Sigma,
 - Phi Beta Kappa



Admissions

- Tennessee, 1972

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