ArentFox Schiff LLP
Attorneys

Allan E. Anderson

Partner

Allan is a litigation and intellectual property partner in the Los Angeles office.

- Industries
  AI, Metaverse & Blockchain
  Fashion & Retail Law
  Media & Entertainment
  Construction
- Practices
  Complex Litigation
  Private Clients, Trusts & Estates
  Trust & Estate Disputes
  Trade Secrets, Noncompetes & Employee Mobility
  FTC Rule Purporting to Ban Employee Noncompete Agreements
  Trademark
  Trademark & Unfair Competition Litigation
  Copyright
  Patent
- Education
  University of San Francisco School of Law, JD
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Allan heads the firm's Complex Litigation practice in California. Allan's practice encompasses a wide variety of matters, from trademarks, trade dress, and trade secrets to patent infringement, copyright, and false advertising, and he represents clients in the entertainment, manufacturing, real estate, employment, internet, and technology industries.

Representative Matters

- Represented sports apparel manufacturer and approximately one dozen retailers in a jury trial in the Central District of California in a Lanham Act case. The matter was resolved prior to closing arguments.
- Represented a plaintiff shareholder of a corporation that was refusing to recognize the client's voting rights and was additionally about to make a vote on an organic change to the company's business. With only one day to prepare, we successfully moved for a temporary restraining order preventing the shareholder's meeting from going forward. The company later acknowledged the client's shares and further issued him a promissory note.
- Defended a chief operating officer in a suit involving a set of 30 individual civil actions and one national class-action case that followed a criminal prosecution of some corporation's officers & directors. The allegations were that the company marketed a dietary supplement as an all-natural herbal product for over-all prostate health, but that in reality, the product was allegedly a combination of numerous

pharmaceuticals, including the banned pharmaceutical DES. After years of acrimonious litigation, which resulted in one of the plaintiff's attorneys being criminally charged and eventually disbarred in part because of his conduct concerning the matters, all of the cases as they related to the client were amicably resolved prior to trial.

- Successfully litigated a District Court action establishing that his client was protected by the safe harbor provision of the Digital Millennium Copyright Act.
- Defended a manufacturer and distributor of artificial prosthetic knees in a matter where another manufacturer alleged they had conspired to monopolize the market for microprocessor-controlled artificial knees. Successfully filed a motion of summary judgment in favor of the client, and the District court's ruling on that motion was affirmed on appeal.
- Defended a dietary supplements manufacturer in a consumer class action where the plaintiffs alleged that certain products did not work as claimed and contained false statements on their labels. We successfully moved to dismiss the complaint.
- Defended a computer hardware and software company regarding theft of trade secrets. The case was settled on favorable terms to the client, with the client being dismissed without providing any consideration to the plaintiff.
- Defended an automobile parts manufacturer in a trademark infringement matter where the plaintiff accused the client of using their logo on various items such as reproduction of vintage cars. We successfully argued that sales were protected by the doctrines of first sale and nominative use. The case was resolved on favorable terms without significant litigation.
- Defended an internet service provider for patent infringement where the plaintiff was the holder of a patent for interactive television programming. We successfully argued that the patent was invalid and was not infringed by the client's operations. We obtained a dismissal for a waiver of costs.
- Defended a computer communications hardware manufacturer in a case involving misappropriation of trade secrets and trespass to the plaintiff's computer systems. After initial litigation, direct negotiations between the parties and counsel resulted in a confidential settlement involving a mutual business solution.
- Defended a video distribution company in a case involving a dispute over the licensing rights to distribute an animated cartoon series of well-known superhero characters on video. After extensive discovery and the deposition of a number of high-level corporate executives of the licensor, the licensor agreed to dismiss all of its claims against our client's outstanding rights.
- Defended a credit repair organization where the plaintiff filed suit against the client alleging various violations of the Credit Repair Organization Act. Through discovery and preliminary law and motion, the parties discovered that the basis of the claim was that the plaintiff failed to follow through with our client's recommendations, which lead to further credit/debt distress to the plaintiff. The case resolved amicably prior to any significant litigation expense.
- Defended a health care provider in a libel suit brought by the plaintiff health maintenance organization. Key issues involved First Amendment privileges and mitigation of damages. The action was resolved in a confidential settlement.
- Defended an injection molding manufacturer in a case brought against them by a manufacturer of cataract lens implants. The plaintiff had been sued by several hundred recipients of cataract lens implants because they had become cloudy after implantation. The manufacturer brought suit against the client, which supplied certain packaging materials for the lenses. Through motion practice, we obtained the dismissal of contract-related claims. With the plaintiff facing the higher standards of proof for fraud and knowing that the jury would be confronted with its failure to adequately test the completed product, the manufacturer settled just before opening statements.
- Defended a machinery company alleging that a competing machine was made using the plaintiff's trade secrets. The defendants denied that the plaintiff's machine contained any trade secrets, and argued that no trade secrets were used in the manufacture of the defendants' competing machine. The case was resolved on confidential terms.

- Defended a manufacturer of GPS chipsets in a breach of warranty action relating to a Y2K-like GPS event. The plaintiff, a trucking company, feared that the devices would fail during the event and demanded replacement of the devices. The client refused, pointing out that its testing had confirmed that the devices would function properly during the event. We successfully argued that the client's actions were reasonable under the circumstances and that the devices, in fact, worked properly through the event. We significantly narrowed the plaintiff's case through pre-trial and in-trial motions. The jury awarded a fraction of the plaintiff's claimed damages.

Previous Work

Allan was previously Resident Director and Partner in the Los Angeles office of a national law firm.

Publications, Presentations & Recognitions

Allan has been recognized in *The Legal 500*, received the AV® Peer-Review Rating by *Martindale-Hubbell*, has consistently been recognized in the Southern California edition of *Super Lawyer*, and has been recognized as an "Irish Legal 100 Honoree." He is also a recipient of the "Marc L. Fleischaker Award," which is awarded to Partners and Counsel at ArentFox Schiff, who has done notable *pro bono* work in a given year.

Allan's publications include:

- "Professional Development for Litigators," *Law Practice Today*, April 14, 2015
- "The Debate Over Liability for Peer-to-Peer File Sharing," *Daily Journal*, April 18, 2012
- "Clear And Present Danger," *Food Quality* magazine, August 1, 2003

Professional Activities

- American Intellectual Property Law Association (AIPLA), Member
- Association of Business Trial Lawyers (ABTL), Member
- Litigation Counsel of America, Fellow
- Trial Law Institute, Member
- Diversity Law Institute, Member

Bar Admissions
California
New York
Court Admissions
Supreme Court of the United States
US District Court, Northern District of California
US District Court, Central District of California
US District Court, Southern District of California
US District Court, Northern District of New York
US District Court, Southern District of New York
US District Court, Eastern District of New York