

# Gail Podolsky

SHAREHOLDER

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## Overview

Gail Podolsky chairs the Technology Industry Group and represents clients at all stages of their growth. She concentrates her practice on the commercialization of intellectual property with particular emphasis on trademarks, copyrights, patents, and anti-counterfeiting. She also has significant experience in fintech, insurtech, esports and electronic gaming, defamation, entertainment and business litigation.

Gail has extensive experience in state and federal court, before the U.S. Patent and Trademark Office, and through alternative dispute resolution procedures like mediation and UDRP proceedings. Gail also handles transactional intellectual property matters, which include drafting and negotiating various types of agreements, drafting terms of use and privacy policies for websites, conducting intellectual property audits, and preparing, filing, and prosecuting trademark and copyright applications. She frequently counsels businesses and individuals in brand management, brand enforcement, domain name, promotional, and advertising issues, and protecting, procuring, and enhancing intellectual property as a commercial asset.

Gail was selected by the *Daily Business Review* as a “Most Effective Lawyer” and named to the 2020 Georgia Rising Stars list by *Super Lawyers Magazine*.

## Experience

- Obtained temporary restraining orders, seizure orders, and asset freezes for various companies and executed counterfeit raids throughout the country.
- Obtained \$7.8 million in sanctions for civil contempt for violation of a permanent injunction.
- Obtained judgment of more than \$3.8 million for breach of contract and securities fraud against a famous football player and his company.
- Obtained summary judgment for trademark infringement, false advertising, violations of the Computer Fraud and Abuse Act, and related causes of action for a major telecommunications company.
- Advised and counseled recording artists regarding transactions and various legal and business issues within the entertainment industry.
- Prepare terms of use and privacy policies for numerous companies in various industries, including, restaurant franchisors, food distributors, and financial planning firms.

## Representative Cases

- *Ga. State Conference of the Nat'l Ass'n for the Advancement of Colored People v. DeKalb Cnty. Bd. of Registration & Elections*, 484 F. Supp. 3d 1308 (N.D. Ga. 2020).
- *Xfinity Mobile v. AS Trading Corp.*, No. 9:20-mc-80722, 2020 WL 5215097 (S.D. Fla. Sept. 1, 2020).
- *Xfinity Mobile v. Devin Tech, Inc.*, No. 1:19-cv-03294, 2019 WL 9831670 (N.D. Ga. Aug. 20, 2019).
- *Global Widget, LLC v. A.R.T. Wholesale LLC*, No. 1:19-cv-02136, 2019 WL 3244489 (N.D. Ga. July 18, 2019).
- *Bell v. Johnson Publ'g Co.*, No. 7:16-cv-00016, 2018 WL 357888 (M.D. Ga. Jan. 10, 2018).
- *Eakin v. Rosen*, No. 7:15-cv-00224, 2017 WL 5709564 (M.D. Ga. Nov. 27, 2017).
- *Sprint Sols. Inc. v. Tijerina Grp. LLC*, No. 4:16-cv-01200, 2016 WL 4542036 (S.D. Tex. Aug. 31, 2016).
- *Sprint Sols., Inc. v. Fils-Amie*, 44 F. Supp. 3d 1224 (S.D. Fla. 2014).
- *Sprint Nextel Corp. v. Ace Wholesale, Inc.*, No. 1:14-mc-00247, 2014 WL 4308355 (S.D.N.Y. Aug. 26, 2014).
- *Sprint Nextel Corp. v. Simple Cell, Inc.*, 31 F. Supp. 3d 710 (D. Md. 2014).
- *T-Mobile USA, Inc. v. AU Elecs., Inc.*, No. 1:12-cv-10046, 2014 WL 258495 (N.D. Ill. Jan. 23, 2014).
- *Sprint Nextel Corp. v. AU Elecs., Inc.*, No. 1:12-cv-09095, 2014 WL 258808 (N.D. Ill. Jan. 23, 2014).
- *TracFone Wireless, Inc. v. GCA Elecs., LLC*, 950 F. Supp. 2d 1326 (N.D. Ga. 2013).
- *T-Mobile USA, Inc. v. Terry*, 862 F. Supp. 2d 1121 (W.D. Wa. 2012).
- *CBT Flint Partners, LLC v. Return Path, Inc.*, 870 F. Supp. 2d 1369 (N.D. Ga. 2007).
- *TracFone Wireless, Inc. v. Zip Wireless Prods., Inc.*, 716 F. Supp. 2d 1275 (N.D. Ga. 2010).
- *Dickson Indus., Inc. v. Patent Enforcement Team, L.L.C.*, 333 F. App'x 514 (Fed. Cir. 2009).

- *TracFone Wireless, Inc. v. Access Telecom, Inc.*, 642 F. Supp. 2d 1354 (S.D. Fla. 2009).
- *Rabbit Tanaka Corp. USA v. Paradies Shops, Inc.*, 598 F. Supp. 2d 836 (N.D. Ill. 2009).
- *CBT Flint Partners, LLC v. Return Path, Inc.*, 566 F. Supp. 2d 1363 (N.D. Ga. 2007).
- *Unique Sports Prods., Inc. v. Wilson Sporting Goods Co.*, 512 F. Supp. 2d 1318 (N.D. Ga. 2007).

## Areas of Focus

### Practices

- AdTech
- Esports and Electronic Gaming
- Intellectual Property
- Technology
- Blockchain and Digital Currency
- Business Transactions
- Cybersecurity and Privacy
- Digital and E-Commerce Engagement and Innovation
- Financial Services Regulatory
- Intellectual Property Litigation
- Intellectual Property Protection & Portfolio Management
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Media, Entertainment, Music & Sports
- Technology
- Technology & Intellectual Property Transactions
- Telecommunications

### Industries

- Technology
- Life, Annuity, and Retirement Solutions
- Technology
- Telecommunications

## Insights

09.02.2021

Time to Fight Back – How Wireless Providers Should Leverage a Federal Indictment to Stop Cellphone Traffickers

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12.15.2020

Revived Prospects for Patenting Financial Product Inventions

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11.26.2019

How to Protect Your Brand From Counterfeiters

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07.11.2019

Changes to the Patent Landscape for the Insurance and Financial Industries

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06.19.2019

S1:E10 - Covering Your Digital Assets: Intellectual Property Rights and Gaming

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11.16.2017

SEC Warns About ICO Promotion

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09.28.2015

Online Behavioral Advertising Guidelines Go Mobile

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08.11.2015

Hiring Considerations for Startups: A Checklist

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01.16.2015

Online Merchants Beware: The New FTC Rule on Internet, Mail, and Telephone Order Purchases

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12.22.2014

Online Merchants Beware: There's a New FTC Rule on Internet Purchases

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07.08.2014

Start-Up Tech Company Will Not Change the Future of Television

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08.30.2012

USPTO Introduces Database to Combine, Enhance, and Replace TARR and TDR

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02.06.2012

A Guide to Secondary Meaning Surveys

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11.16.2010

Who Owns Your Software?

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01.01.2010

California's Single-Publication Rule Applies to Common Law Right of Publicity and False Endorsement Under the Lanham Act

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01.01.2010

Res Judicata Will Not Bar a Plaintiff from Exercising the Right To Refrain from Adding an After-Acquired Claim

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01.01.2010

Government's Use of Photograph Depicting Sculpture It Commissioned Does Not Constitute Fair Use

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09.01.2009

The Importance of Valuing Intellectual Property from an Attorney's Perspective

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## News

02.29.2024

Thomson Reuters Names 12 Carlton Fields Attorneys to 2024 Stand-Out Lawyers

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11.01.2022

DirecTV Says Impersonators Ran Promotion Scam

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10.18.2021

Carlton Fields' Gail Podolsky Quoted in Law360 Article about Parental Leave

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10.21.2020

Carlton Fields' Gail Podolsky Recipient of Georgia Intellectual Property Alliance's Intellectual Property Community Service Award

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05.06.2020

Healing the Healers: Carlton Fields Pro Bono Client Launches Uplifting Musical "Soul-a-Grams" for Frontline Health Care Workers

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04.29.2020

Lawyers and Atlanta Opera Team Up to Create Covers for N95 Masks for Local Hospital

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03.04.2020

Carlton Fields Shareholder Gail Podolsky Featured in Georgia Super Lawyers For Pro Bono Work

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07.18.2019

Carlton Fields Becomes Official Legal Partner for the University of Miami Business School's Entrepreneurship Program and Annual Business Plan Competition

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05.10.2019

ACLU of Georgia Awards Carlton Fields' Gail Podolsky Volunteer Leadership Award

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02.07.2019

Georgia Super Lawyers Honors Carlton Fields Attorneys on 2019 Lists

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04.12.2017

Microsites: A Big Deal

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03.01.2017

Gail Podolsky and Joseph Swanson Quoted in Of Counsel

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## Recognition

- AV Rated by Martindale-Hubbell
- Mediator, General Civil Mediation, Georgia Supreme Court Commission on Dispute Resolution

- "Stand-Out Lawyers," Thomson Reuters (2024)
- *The Best Lawyers in America*, Communications Law, Privacy and Data Security Law (2021–2024)
- Intellectual Property Community Service Award, Georgia Intellectual Property Alliance (2020)
- Georgia Rising Stars, *Super Lawyers Magazine* (2009–2011, 2015–2020)
- Volunteer Leadership Award, ACLU of Georgia (2019)
- Most Effective Lawyers Award, *Daily Business Review* (2016)

## Professional & Community Involvement

- International Trademark Association
  - North America Subcommittee, Parallel Imports Committee
- American Bar Association
  - Trademark Litigation Committee, Section of Intellectual Property Law
- American Intellectual Property Law Association
  - Chair, Anti-Counterfeiting Committee
  - Vice Chair, Trademark Relations With the U.S. Patent and Trademark Office Committee
  - Legislation Committee
- American Civil Liberties Union
  - President, Georgia Chapter (2012–2018)
  - National Board Representative (2018–present)
- Anti-Defamation League
  - Glass Leadership Institute
- State Bar of Georgia

## Speaking Engagements

- "Ask a Lawyer (Almost) Anything: Legal Issues Facing the Esports & Gaming Industry," DreamHack (November 2019)
- "Forum on Brand Protection and Anti-Counterfeiting Strategies," U.S. Patent and Trademark Office (June 2019)
- Guest on LAN Party Lawyers Podcast, "Covering Your Digital Assets: Intellectual Property Rights and Gaming" (June 2019)
- Guest on NPR's "On Second Thought" (January and February 2016)
- "World IP Day Celebration," Emory University School of Law (April 2015)

- “Understanding and Implementing the Likelihood of Confusion Standard,” The Knowledge Group (July 2012)
- “Content, Clearance and Intellectual Property,” Atlanta Film Festival (April 2011).
- “Identifying, Managing, and Evaluating Intellectual Property Assets,” American Institute of CPAs International Business Conference (June 2011).

## Credentials

### Education

- Emory University School of Law (J.D., 2004)
  - Managing Editor, *Bankruptcy Law Journal*
- Emory University (B.B.A., 2001)

### Bar Admissions

- Georgia

### Industry Specialization

### Certifications

- Mediator

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia
- U.S. District Court, Eastern District of Michigan
- U.S. Bankruptcy Court, Northern District of Georgia
- U.S. Bankruptcy Court, Southern District of Georgia
- Georgia Supreme Court
- Georgia Court of Appeals

## Background

- Associate, Greenberg Traurig, Atlanta, GA