



# Gail Podolsky

SHAREHOLDER

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CONNECT

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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 is AV rated by Martindale-Hubbell and was selected by *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.
- Prepared terms of use and privacy policies for numerous companies in various industries, including, restaurant franchisors, food distributors, and financial planning firms.

## Representative Cases

- *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).

## All Insights

09.02.2021	Time to Fight Back – How Wireless Providers Should Leverage a Federal Indictment to Stop Cellphone Traffickers
12.15.2020	Revived Prospects for Patenting Financial Product Inventions
11.25.2019	How to Protect Your Brand From Counterfeiters
07.11.2019	Changes to the Patent Landscape for the Insurance and Financial Industries
06.19.2019	S1:E10 - Covering Your Digital Assets: Intellectual Property Rights and Gaming
11.16.2017	SEC Warns About ICO Promotion
09.28.2015	Online Behavioral Advertising Guidelines Go Mobile
08.11.2015	Hiring Considerations for Startups: A Checklist
01.16.2015	Online Merchants Beware: The New FTC Rule on Internet, Mail, and Telephone Order Purchases
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
- 
- 08.30.2012 USPTO Introduces Database to Combine, Enhance, and Replace TARR and TDR
- 
- 02.06.2012 A Guide to Secondary Meaning Surveys
- 
- 11.16.2010 Who Owns Your Software?
- 
- 01.01.2010 California's Single-Publication Rule Applies to Common Law Right of Publicity and False Endorsement Under the Lanham Act
- 
- 01.01.2010 Government's Use of Photograph Depicting Sculpture It Commissioned Does Not Constitute Fair Use
- 
- 01.01.2010 Res Judicata Will Not Bar a Plaintiff from Exercising the Right To Refrain from Adding an After-Acquired Claim
- 
- 09.01.2009 The Importance of Valuing Intellectual Property from an Attorney's Perspective

## All News

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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
- 
- 04.29.2020 Lawyers and Atlanta Opera Team Up to Create Covers for N95 Masks for Local Hospital
- 
- 03.04.2020 Carlton Fields Shareholder Gail Podolsky Featured in Georgia Super Lawyers For Pro Bono Work
- 
- 11.25.2019 How to Protect Your Brand From Counterfeiters
- 
- 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

## Recognition

- AV Rated by Martindale-Hubbell
- Intellectual Property Community Service Award, Georgia Intellectual Property Alliance (2020)
- *The Best Lawyers in America*, Privacy and Data Security Law (2021–2022)
- 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
  - Parallel Imports Committee
  - North America Subcommittee
- American Bar Association
  - Section of Intellectual Property Law
    - Trademark Litigation
  - Young Lawyers Division: Intellectual Property and Internet Law
- American Intellectual Property Law Association
  - Vice Chair, Anti-Counterfeiting 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

- “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

### COURT ADMISSIONS

- U.S. Supreme Court
- Georgia 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

## Background

- Associate, Greenberg Traurig, Atlanta, GA

## Areas of Focus

### PRACTICES

- Blockchain and Digital Currency
- Business Transactions
- Cybersecurity and Privacy
- Esports and Electronic Gaming
- Financial Services Regulatory
- Fintech and P&C Insurance Regulatory and Transactional
- Intellectual Property
- Intellectual Property Protection, Defense, and Enforcement
- Life, Annuity, and Retirement Litigation

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