



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 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 Preeminent rated by Martindale-Hubbell and was selected by *Georgia Super Lawyers* as a Rising Star in 2009, 2010, 2011, and 2015-2017.

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

- *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

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
04.25.2017	.Health: What You Need to Know About the Internet's Newest Domain Name

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- 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
-
- 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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- 07.18.2019 Carlton Fields Becomes Official Legal Partner for the University of Miami Business School's Entrepreneurship Program and Annual Business Plan Competition
-
- 05.10.2019 ACLU of Georgia Awards Carlton Fields' Gail Podolsky Volunteer Leadership Award
-
- 02.07.2019 Georgia Super Lawyers Honors Carlton Fields Attorneys on 2019 Lists
-
- 04.12.2017 Microsites: A Big Deal

Recognition

- AV Preeminent Rated by Martindale-Hubbell
- Recipient, ACLU of Georgia Volunteer Leadership Award (2019)
- Most Effective Lawyers Award, *Daily Business Review* (2016)
- Selected for inclusion in *Georgia Super Lawyers Rising Stars* (2009-2011, 2015-2019)

Professional & Community Involvement

- State Bar of Georgia
- American Bar Association
 - Section of Intellectual Property Law
 - Trademark Litigation
- American Intellectual Property Law Association
 - Vice Chair, Anti-Counterfeiting Committee
- International Trademark Association (INTA)
 - Parallel Imports Committee
 - Member, North America Subcommittee
- Young Lawyers Division of Intellectual Property and Internet Law
- American Civil Liberties Union
 - President, Georgia Chapter (2012-2014)
- Anti-Defamation League, Glass Leadership Institute

Speaking Engagements

- “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)

COURT ADMISSIONS

- United States Supreme Court
- Georgia Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Eleventh Circuit

BAR ADMISSIONS

- Georgia
- 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 Court of Appeals

Background

- Associate, Greenberg Traurig, Atlanta

Areas of Focus

PRACTICES

- Blockchain and Digital Currency
- Business Transactions
- Cybersecurity and Privacy
- Esports and Electronic Gaming
- Intellectual Property
- Litigation and Trials
- Technology
- Telecommunications

INDUSTRIES

- Technology & Telecommunications