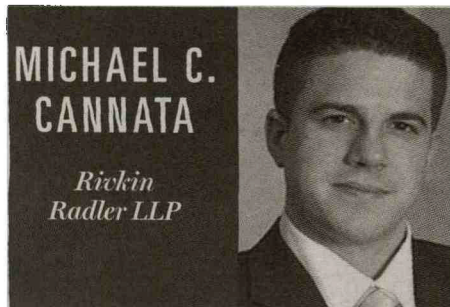


WHO'SWHO



Michael C. Cannata is an associate at Rivkin Radler LLP in Uniondale. A seasoned trial lawyer with extensive experience litigating complex intellectual property, commercial, and other business disputes in state and federal courts across the country, Cannata represents a wide range of clients, including product manufacturers and suppliers, animation companies, websites, artists, jewelers, restaurants, and entrepreneurs, as well as medical practice groups, construction contractors, insurance carriers, and municipalities.

Cannata has secured the early resolution of legal matters for his clients, including the summary dismissal of a multi-million dollar lost profits claim asserted against a municipality in the U.S. District Court for the Eastern District of New York. He also obtained the summary dismissal of certain trade dress infringement and common law causes of action in a patent infringement action in the U.S. District Court for the Eastern District of New York.

He routinely counsels his clients on their intellectual property rights and how best to protect their copyright, trademark, and patent portfolios. He also has significant transactional experience in the prosecution of trademarks and service marks before the U.S. Patent and Trademark Office and Trademark Trial and Appeal Board (TTAB).

"One of the most pivotal questions that trademark practitioners will be closely monitoring in the upcoming months is a case that was recently argued before the Supreme Court styled *B&B Hardware, Inc. v. Hargis Industries, Inc.*," Cannata said. "We expect that the court will answer

the question: what effect, if any, will determinations made by the U.S. TTAB, regarding likelihood of consumer confusion, have on trademark infringement lawsuits. If the Supreme Court concludes that decisions by the TTAB on the likelihood of consumer confusion will govern later trademark infringement actions, or even that such decisions are entitled to some level of 'deference,' then the intensity with which TTAB proceedings are litigated would, very likely, dramatically change."

Historically, TTAB proceedings have provided litigants with a cost-effective forum to resolve disputes as to whether an application to register should be granted, Cannata noted.

"Consumer confusion is one consideration in the registrability of federal trademarks," he said. "In fact, in fiscal year 2014 alone, there were more than 7,200 trademark opposition and cancellation proceedings filed with the TTAB. If the Supreme Court decides that a determination of consumer confusion made in a TTAB proceeding governs a later filed trademark infringement action, or even that the TTAB ruling is to be afforded some weight in the later proceeding, then TTAB proceedings will take on a more aggressive – and more expensive – tone. An adverse decision in the TTAB would, under those circumstances, set the stage for an adverse decision in the later trademark infringement suit. And this, many trademark owners might conclude, is worthy of their undivided attention."

Cannata is admitted to practice in New York and New Jersey and before the United States District Court for the Southern and Eastern Districts of New York; the United States Court of Appeals, Second Circuit; and the United States District Court for the District of New Jersey.

Prior to joining Rivkin Radler, Cannata worked with the Office of the Federal Public Defender for the Northern District of New York, representing indigent criminal defendants before the district court. Today, he provides pro bono representation to the indigent in landlord-tenant court.

Cannata earned a juris doctor, cum laude, from Syracuse University College of Law and a bachelor's degree from Cornell



University. He is member of the Trademark Law and Practice Committee of the New York Intellectual Property Association.

Established in 1950, Rivkin Radler LLP – with offices in Uniondale, NY, New York City and Hackensack, NJ – has provided legal representation to a broad array of clients. Its 150 lawyers serve clients ranging from individuals and entrepreneurs to the Fortune 500. The firm achieves success, earns clients' trust and develops partnerships by delivering legal services that consistently exceed expectations.