



Paul Tanck

Partner

+1 212 210 9438 | paul.tanck@alston.com
New York | 90 Park Avenue, 15th Floor | New York, NY 10016

Related Services

Intellectual Property ▪ Intellectual Property Litigation

Having litigated traditional forms of intellectual property at trial and on appeal before the Federal Circuit, as well as fostering creative approaches to thwarting gray market and counterfeit goods, Paul has the knowledge and experience to protect the intellectual property and brand reputation of his Fortune 500 and startup clients.

Paul Tanck is a partner in the Intellectual Property Litigation Group. He focuses his practice on litigating, licensing, and developing his clients' intellectual property portfolios. His experience encompasses a wide range of areas, including industrial control systems, computer software and hardware, integrated circuits, debit/credit card technologies, graphical user interfaces, financial instruments, medical devices, gray market, and counterfeit goods.

Paul's practice comprises litigating patents, copyrights, trademarks, and trade secrets at trial and on appeal before the Federal Circuit. He also counsels clients and renders opinions on patent validity, infringement, and freedom of use. Fortune 500 companies and startups alike rely on Paul's guidance to develop, manage, and protect their intellectual property portfolios. One area of particular experience is the area of gray market and counterfeit goods. Paul's multifaceted approach to ceasing the illegal distribution of authentic goods has protected major manufacturers from harmed distributor relationships, damaged reputations, and loss sales that arise from rampant gray market and counterfeit issues. Paul also has knowledge and experience regarding the intersection of intellectual property with NFTs, smart contracts, and cryptocurrency, and recently was a guest speaker at the 2023 NFT Tallinn Conference.

Paul volunteers his legal services to the One Billion Acts of Peace Campaign, an international global citizens' movement that is led by 13 Nobel Peace Laureates, including the Dalai Lama and Archbishop Desmond Tutu.

Representative Experience

- Representing a beverage company in asserting trademark infringement claims against PepsiCo.'s morning caffeine drink known as Mtn. Dew RISE.
- Representing a major pharmaceutical/beverage company in curtailing the illegal counterfeiting and gray market importation of its oral rehydration beverage. Obtained a temporary restraining order against numerous defendants in the U.S. District Court for the Southern District of Texas and are currently pursuing a general exclusion order at the U.S. International Trade Commission.
- Represented a major pharmaceutical/beverage company in asserting false advertising and trade dress infringement claims against PepsiCo.'s newest Gatorade beverage known as "GATORLYTE." Swift action resulted in obtaining two nationwide restraining orders (TROs) which ordered a halt to PepsiCo.'s U.S. launch of its GATORLYTE beverage.
- Represented a Fortune 500 company in asserting trademark infringement and false advertising claims relating to gray market importation of the company's industrial control products.

- Defended a Fortune 50 company against patent infringement claims relating to video surveillance systems.
- Represented a Fortune 500 company in asserting more than a dozen patents relating to industrial control software against a competitor in the U.S. International Trade Commission and district court.
- Defended a software company for the alleged misappropriation of trade secrets relating to rock-crushing technology.
- Asserted theft of trade secrets and misappropriation claims for a nationally recognized telecommunications company involving advertising software.
- Asserted patent infringement of numerous patents that related to a Fortune 500 company's advanced linear motor technology.
- Obtained a temporary restraining order and preliminary injunction on behalf of a Fortune 500 company, preventing a foreign company from selling in the U.S. a product that infringed on the client's patents.
- Won a strategic \$10.1 million patent infringement jury verdict related to industrial automation and information technology.
- Negotiated and settled a lawsuit for a financial software developer related to a copyright and trade dress infringement lawsuit involving the look and feel of graphical user interfaces.
- Asserted breach of contract and misappropriation of trade secrets claims relating to power over Ethernet and semiconductor technology.

Publications & Presentations

Publications

- "Gray-Market Solutions: Many Tools in the Toolbox," *Business Law Today*, February 9, 2024.
- "Protecting Against Unauthorized Gray-Market Goods in the Time of COVID-19," *Business Law Today*, American Bar Association, July 14, 2020.
- "Combating Gray Market Goods: Using the ITC to Solve the Gray Market," *Business Law Today*, American Bar Association, July 2, 2019.

Presentations

- 2023 NFT Tallinn Conference, NFT Tallinn, Tallinn, May 8 – 10, 2023.

Education

- Fordham University (J.D.)
- Massachusetts Institute of Technology (B.S.)

Admitted to Practice

- New York