



Louis W. Tompros

PARTNER

BOSTON

+ 1 617 526 6886

LOUIS.TOMPROS@WILMERHALE.COM

Louis Tompros is an experienced first-chair trial and appellate litigator. He makes the fast-moving and legally complicated field of intellectual property understandable for juries and judges. He has handled the most challenging patent, trademark, copyright, publicity, and defamation matters at trial and on appeal, for high profile clients in technology, entertainment, artificial intelligence, and alternative energy, and he has been hailed as a "prizefighter" in the world of intellectual property litigation. He has successfully tried multiple intellectual property cases to verdict as lead trial counsel, has successfully argued multiple appeals before the Federal Circuit, and teaches patent trial advocacy at Harvard.

Among Mr. Tompros's first-chair trial successes in his representation of Bombardier Recreational Products, in which a federal jury returned a full defense verdict rejecting a \$130 million trademark infringement claim brought by Jaguar Land Rover over its "Defender" trademark. Land Rover had previously won a similar case against BRP in the European Union, making this US jury trial win particularly significant, and earning Mr. Tompros the title of "Litigator of the Week" from *The American Lawyer*. In 2021, he secured a high-profile victory for recording artist Elizabeth Chan over singer Mariah Carey, in which the Trademark Trial and Appeal Board permanently rejected Carey's attempt to register the trademark "Queen of Christmas." The win resulted in widespread industry and media praise, including coverage in the *New York Times*, the *Wall Street Journal*, *Variety*, and *People*. In addition, Mr. Tompros has handled complex and controversial trademark matters implicating questions of free speech in federal courts nationwide.

In the patent space, Mr. Tompros has handled cases involving smartphones, semiconductors, alternative energy, powersports vehicles, DNA testing, power conversion, data encryption, video compression and plastic storage devices. In 2022, he was lead trial counsel for a defendant in a case resulting the invalidation of a competitor's asserted patent, and in 2021, he successfully argued a summary judgment motion resulting in the elimination of more than \$5 billion of a patent plaintiff's damages claim. He has likewise prevailed in multiple *inter partes* review and reexamination proceedings before the Patent Trial and Appeal Board.

Mr. Tompros also represents visual and conceptual artists, filmmakers, agencies, video game publishers, authors and celebrities in copyright infringement, publicity, and defamation actions, including the creator of the famous “Pepe the Frog” comic book character in enforcement efforts to reclaim the character from “alt-right” entities. His successful copyright enforcement action against Alex Jones’s *Infowars* media platform was named one of the top copyright rulings of the year by *Law360*, and is the subject of the Emmy-winning and Sundance prize-winning documentary *Feels Good Man*. He has also represented clients in defamation, trade dress, unfair competition, trade secret and design patent matters in courts throughout the country, and is frequently cited as an authority in the application of intellectual property law to evolving internet phenomena, including artificial intelligence, memes, deepfakes and NFTs.

As an appellate lawyer, Mr. Tompros regularly appears before the United States Court of Appeals. His Federal Circuit advocacy as lead counsel in (among other cases) *Arctic Cat Inc. v. Bombardier Recreational Products Inc.*, *In re Klein*, and *In re Packard* has shaped the patent law. The *Klein* case, for example, resulted the Patent Office issuing a public agency-wide memo instructing all patent examiners on new rules for patent examination.

Pro bono representation is also an important part of Mr. Tompros’s practice. He represents civil rights icon James Meredith in a complex trademark dispute with the University of Mississippi, and previously represented Save the Children in its trademark enforcement activity against members of the “QAnon” movement. He has represented artists, authors, and a prominent literary journal on a *pro bono* basis in copyright and intellectual property contract matters, including representations through the Volunteer Lawyers for the Arts. He has represented terminated employees in unemployment insurance claims and appeals, public housing tenants facing eviction, and public advocacy groups submitting *amicus* briefs on criminal defense and privacy issues. In one of his early cases, Mr. Tompros represented a group of gay and lesbian service members challenging the constitutionality of the military’s “Don’t Ask, Don’t Tell” policy, in association with the Servicemembers Legal Defense Network.

While attending Harvard Law School, Mr. Tompros was Supreme Court Chair of the *Harvard Law Review* and a member of the winning team in the Ames Moot Court Competition.

Community Involvement

Mr. Tompros is the Chair of the Equal Justice Coalition of Massachusetts, a collaboration between the Massachusetts Bar Association, Boston Bar Association, and Massachusetts Legal Assistance Corporation committed to ensuring access to civil legal aid for low-income residents of Massachusetts. Mr. Tompros is also Chair of the Leadership Council of the WilmerHale Legal Services Center of Harvard Law School, the oldest and largest clinical teaching facility at the law school, which serves 1,200 low-income clients annually out of its Jamaica Plain office. In addition, Mr. Tompros serves on the board of trustees of The Learning Project Elementary School and has served as a warden of St. John’s Episcopal Church in Charlestown, Massachusetts.

Professional Activities

Mr. Tompros is a Lecturer on Law at Harvard Law School, where he teaches the popular Patent Trial Advocacy course. He has also been a guest lecturer at the Harvard Law School on the topics of discovery and civil procedure, and at the Harvard Business School, the Tuck School of Business at Dartmouth, Harvard University on the topics of copyright and artificial intelligence and the Questrom School of Business at Boston University on intellectual property. He appears frequently on national, and international television and radio programs on the topics of artificial intelligence, intellectual property, defamation, counter-disinformation litigation, and legal implications for next-generation technologies. Mr. Tompros serves on the advisory board of the Naples Roundtable and has spoken regularly at the Leahy Institute of Advanced Patent Studies. In 2011, he coached the Harvard Law School team that won the American Intellectual Property Law Association's 2011 national Giles Sutherland Rich Memorial Moot Court Competition.

As a member of the WilmerHale Privilege Standing Committee, Mr. Tompros has spoken on the scope and applicability of the attorney-client privilege and work product doctrines. He has also served on the American Intellectual Property Law Association's Trademark Litigation Committee and has contributed material to the AIPLA Trademark/Trade Dress Update.

Mr. Tompros chairs the firm's Boston Associates Committee, and is a member of the firm's Boston Hiring Committee, Diversity Committee and Workload Committee. He also serves the executive committee of the Alan D. Lourie Boston Intellectual Property American Inn of Court.

Solutions

Litigation	Intellectual Property Litigation	Appellate and Supreme Court Litigation
Artificial Intelligence	Trials	Post-Grant Proceedings

Experience

- Advise multiple Fortune 500 companies on copyright, defamation, and other intellectual property risks surrounding use of generative AI.
- Lead counsel for conceptual artist Ryder Ripps and influencer Pauly0x in high-profile trademark, copyright, and defamation matter brought by NFT company Yuga Labs.
- Successfully represented business jet manufacturer and private jet company in patent infringement action concerning circadian rhythm-based cabin lighting

system.

- Successfully represented Queen of Christmas Elizabeth Chan in high-profile trademark dispute with singer Mariah Carey.
- Advise celebrities, agencies, developers, and platforms on copyright, patent, and defamation questions arising from use of generative artificial intelligence.
- Lead counsel for video game developer and publisher in multiple copyright infringement actions.
- Successfully defended wind turbine manufacturer as lead counsel in 14-day patent trial, resulting in jury finding competitor's patent invalid and not infringed, and awarding damages of \$0.
- Represent civil rights icon James Meredith and artist Suzi Altman in high-profile trademark dispute with University of Mississippi.
- Successfully represented contemporary playwright Jonathan Rand (author of *Check Please*) as lead counsel in copyright dispute with publisher Broadway Licensing involving Broadway on Demand streaming platform.
- Successfully represented renowned conservation photographer as lead counsel in copyright dispute with rapper and entrepreneur 50 Cent.
- Successfully represented survivor of Rwandan genocide in copyright action concerning her life story.
- Successfully represented snowmobile manufacturer Bombardier Recreational Products as lead counsel in trademark litigation brought by Boondocker LLC.
- Successfully represented filmmaker in copyright dispute concerning feature documentary film.
- Successfully argued for appellees in *Arctic Cat, Inc. v. Bombardier Recreational Products Inc. et al.* (Fed. Cir. 2020), obtaining affirmance of a summary judgment that he previously obtained as lead trial counsel for personal watercraft manufacturer in \$28 million patent marking dispute.
- Argued and prevailed in six *inter parties* reviews resulting in cancellation of all challenged claims of purportedly fundamental telecommunications patent concerning carrier aggregation.
- Lead counsel for celebrity real estate investor in defamation, copyright, trademark, misappropriation, and wiretapping action against competitor.
- Lead counsel for creator and owner of the “Dancing Pumpkin Man” intellectual property in dispute with Epic Games concerning *Fortnite* video game.
- Obtained jury verdict of noninfringement as lead counsel for defendant Bombardier Recreational Products in \$130 million trademark trial over Jaguar Land Rover’s “Defender” trademark, resulting in recognition by *The American Lawyer*.
- Defeated defendants’ summary judgment motion as lead counsel in copyright infringement action against Infowars media platform in what *Law360* identified as one of the top copyright rulings of 2019, resulting in settlement in which Infowars disgorged all of its profits to the copyright holder.
- Obtained final written determination of noninfringement for major semiconductor manufacturer in International Trade Commission patent infringement investigation, followed by summary judgment of noninfringement in follow-on district court litigation.

- Obtained admission of infringement and disgorgement of profits from infringer of Pepe the Frog copyright, as lead counsel in high-profile action against author of controversial children's book.
- Obtained final written decisions from Patent Trial and Appeal Board in four *inter partes* review proceedings, rejecting all challenged claims of two patents related to semiconductor manufacturing technology.
- Successfully represented leading literary magazine as lead counsel in copyright dispute with online research database provider.
- Obtained two significant victories for owner of wind turbine patents in two separate Patent Trial and Appeal Board decisions reversing the examiner's rejections in *inter partes* reexaminations and confirming the patentability of disputed claims.
- Lead counsel in Federal Circuit patent appeal defending biopharmaceutical company's \$95 million jury verdict against claim construction, invalidity and damages challenges.
- Argued *Global Traffic Technologies LLC v. Morgan*, obtaining reversal of a multi-million dollar willful infringement judgment against STC, Inc., a leading manufacturer of smart traffic light systems, which allow emergency vehicles to control traffic signals.
- Lead appellate counsel for game accessory manufacturer in copyright and trademark case concerning tabletop battle games, resulting in a favorable settlement.
- Argued *In re Packard* indefiniteness appeal, singled out by commentators as the most significant pending Federal Circuit patent appeal of 2013, and described by the Federal Circuit as addressing the "important question" of indefiniteness for pre-issuance claims.
- Successfully represented General Electric in *General Electric Co. v. Wilkins*, No. 10-CV-0674 (E.D. Cal. 2013), resulting in judgment finding GE has full ownership of wind turbine patent, against challenge by alleged co-inventor, and *General Electric Co. v. Wilkins*, No. 13-1170 (Fed. Cir. 2014), affirming that determination on appeal.
- Successfully argued *In re Klein* in 2011, resulting in a precedential opinion reversing a decision of Board of Patent Appeals and Interferences, which was called a "major win" and a "breakthrough" for patent applicants, and which resulted in the Patent Office significantly revising its guidelines for addressing analogous art, including issuing a public agency-wide memo instructing all patent examiners on the new rule.
- Obtained jury verdict in favor of plaintiff as first chair trial counsel in *Winsom v. NCAA*.
- Briefed analysis of waiver of patent rights by conduct before standard-setting organizations, adopted in landmark Federal Circuit opinion.
- Took relevant depositions, prepared key cross examination and conducted post-trial investigation that uncovered opposing party's electronic discovery litigation misconduct, resulting in award of more than \$8.5 million in attorneys' fees in well-publicized patent litigation.

Recognition

- Named to *Boston Magazine's* inaugural Top Lawyers list in 2021 in the area of civil litigation/defense, and its second and third annual Top Lawyers list in 2022 and 2023 in the area of civil law litigation.
- Named a Plaintiffs' Lawyer Trailblazer by *The National Law Journal*.
- Named *The American Lawyer's* "Litigator of the Week" in January 2019.
- Named to *The National Law Journal's* 2015 list of Boston Rising Stars.
- Named a 2014 "Rising Star" in intellectual property law by *Law360*.
- Selected by his peers for inclusion in *Best Lawyers in America* for patent litigation (2020–2024), intellectual property litigation (2021–2024) and appellate practice (2023–2024).
- Recognized as a 2012 "Up & Coming Lawyer" by *Massachusetts Lawyers Weekly*.
- Named a "Massachusetts Super Lawyer" in 2022–2023 and "Massachusetts Super Lawyers Rising Star" in 2018–2021.
- Named to the Lawdragon 500 Leading Litigators in America list.

Credentials

EDUCATION

JD, Harvard Law School, 2003

cum laude

*Editor and Supreme Court
Chair, Harvard Law Review*

BA, English Language and
Literature, Yale University, 2000

with Distinction, cum laude

ADMISSIONS

Massachusetts

CLERKSHIPS

The Hon. Richard Linn, US
Court of Appeals for the
Federal Circuit, 2008 - 2009

The Hon. Robert J. Cordy,
Supreme Judicial Court of
Massachusetts, 2003 - 2004