



## Laura W. Brill

Partner

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With a focus on appellate, intellectual property, and commercial litigation, Laura Brill has secured precedent-setting victories in numerous appearances before state and federal appellate courts. Global media, telecommunications, high-tech, and advertising companies are among the clients she represents in complex regulatory, licensing, intellectual property, and commercial disputes.

Recognized as among the top appellate and intellectual property litigators in California, Ms. Brill represents the nation's leading media companies in federal and state court actions, appeals, and administrative proceedings concerning the highly regulated outdoor advertising industry. These include numerous matters concerning the First Amendment, other constitutional and statutory challenges to advertising restrictions, fees, and taxes, as well as land use, zoning, and environmental issues.

In the fields of intellectual property and telecommunications, she has represented clients in a range of high-profile matters concerning the Digital Millennium Copyright Act, termination of copyright grants, patent litigation and licensing disputes, the Federal Communications Act and Telephone Consumer Protection Act.

Ms. Brill served as a law clerk to United States Supreme Court Justice Ruth Bader Ginsburg, with whom she has co-authored several articles and has been a guest lecturer at Yale Law School and UCLA.

Ms. Brill maintains an active pro bono docket, with a focus on equal rights, freedom of expression, and challenges to the use of the initiative process. In recent years, her pro bono work has concentrated on equal marriage rights.

### Education

#### **Columbia University School of Law, J.D., 1994**

First in class  
James Kent Scholar  
Harlan Fiske Stone Scholar  
John Ordronaux Prize  
Emil Schlesinger Labor Law Prize  
*Columbia Law Review*, Book Reviews Editor

#### **Brown University, A.B., American Civilization, 1987**

### Clerkships

#### **U.S. Supreme Court**

Law Clerk, Hon. Ruth Bader Ginsburg

#### **U.S. Court of Appeals for the Second Circuit**

Law Clerk, Hon. Wilfred Feinberg

## Representative Matters

### Media, Entertainment, and Intellectual Property

#### Advertising and Entertainment Industry Litigation and Advice

Represents leading advertising companies in a range of complex litigation matters. These include First Amendment and other constitutional issues, regulatory compliance issues, disputes among competitors, challenges to fees, and taxes on advertising.

Provides advice and counseling on municipal and statewide legislation affecting media companies. Registered lobbyist in City of Los Angeles.

Represents attorney sued by DC Comics in connection with his work on behalf of the heirs and estate of the authors of "Superman."

#### Copyright and First Amendment Appeals

Argued successfully against constitutional law scholar Laurence Tribe, in a case that preserved the authorities of cities to support mass transit infrastructure through agreements providing for the display of advertising. *Metro Lights LLC v. City of Los Angeles*: 551 F.3d 898 (9th Cir. 2009)

*Viacom v. YouTube*: Filed an amicus brief to the U.S. Court of Appeals for the Second Circuit on behalf of a group of legal and economics scholars from Harvard, Yale, Columbia, the Wharton School at University of Pennsylvania, the University of Texas, and Fordham University in this Digital Millennium Copyright Act case.

*Kelly v. Arriba Soft*: Filed an amicus brief on behalf of Google, Yahoo!, and AltaVista to the U.S. Court of Appeals for the Ninth Circuit in this fair use doctrine case.

### Additional Constitutional Litigation and Appeals

#### First Amendment Litigation and Appeals

Represents clients in a range of First Amendment matters at the trial and appellate levels, including constitutional challenges to governmental speech restrictions, defamation, slander of title, right of access to public records, and anti-SLAPP challenges.

#### Patent Litigation and Appeals

Representing a leading DVR manufacturer in defending before the United States Court of Appeals for the Federal Circuit a \$94 million judgment for patent infringement, followed by further proceedings to enforce an injunction before the United States District Court for the Eastern District of Texas.

Represented non-profit research organization in complex patent licensing dispute before U.S. Supreme Court and district court concerning use of a declaratory judgment proceeding to challenge the validity of a licensed patent and on remand, the right to jury trial in such challenges.

Defended a leading computer manufacturer in patent litigation relating to ink-jet and battery management technology.

Represented a leading innovator of semiconductor assembly packaging before the U.S. International Trade Commission in connection with novel remedies issues.

*Quanta v. LG Electronics*: Filed amicus brief in U.S. Supreme Court concerning exhaustion of method patent claims.

*eBay v. MercExchange*: Filed amicus brief on behalf of the American Association of Universities and the National Association of State Universities and Land-Grant Colleges in U.S. Supreme Court.

#### Voting Rights and Initiative Challenges

Defended the California State Senate in an action under the Voting Rights Act and the U.S. Constitution challenging district lines for Congress and California State Senate that were enacted in the wake of the 2000 census. A three-judge district court, composed of Reinhardt, C.J., and Morrow and Snyder, D.J.J., granted summary judgment in favor of the State Senate, and the U.S. Supreme Court affirmed. *Cano v. Davis*, 211 F. Supp. 2d 1208 (C.D. Cal. 2002), *affirmed*, 113 S. Ct. 851 (2003).

Advises and represents clients in connection with challenges to state and local initiative measures.

## Commercial Litigation

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### Telecommunications Litigation and Appeals

Represented leading cell phone service provider in appellate matter regarding private rights of action to enforce compensation provisions of the Federal Communications Act. *Published opinion North County Communications Corp. v. California Catalog & Technology*, 594 F.3d 1149 (2010), cert. denied \_\_\_ U.S. \_\_\_ (2010).

Represented leading publishing company in defending text messaging class action brought under the Telephone Consumer Protection Act.

### Complex Business Disputes, Class Actions, and Appeals

Represent and advise companies in a wide range of complex commercial disputes, including claims for fraud, breach of contract, trade secret misappropriation, unfair competition, and claims involving patent or other technology licensing agreements.

Served as lead counsel and argued pro bono before the Supreme Court in *Pasquantino v. United States*. Following the Court's ruling, Ms. Brill's client's 21-month sentence was vacated.

Argued successfully before the California Court of Appeal to uphold dismissal of tort claims in an appeal arising from a suit alleging that defendants had sold plaintiff semiconductor processing equipment that was the source of a patent infringement claim against plaintiff by a third party.

Litigated allegations of misappropriation of trade secrets during representation of online content network in its claims against a competing company. After taking over this matter from another firm weeks before trial, reached a mutually beneficial resolution of this matter.

Represented a French high-tech company in obtaining *forum non conveniens* dismissal in technology licensing dispute.

Represented leading securities industry trade groups in the filing of an amicus brief in the Fifth Circuit in a case concerning third-party liability for securities violations in civil litigation arising out of the Enron scandal.

## Pro Bono Litigation

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### Student Free Speech

Served as co-counsel with Lambda Legal Defense & Education Fund and People for the American Way Foundation in representing plaintiffs in a landmark case concerning the rights of students, at a public high school in Orange County, California, to receive equal treatment for a gay-straight alliance. The U.S. District Court for the Central District of California imposed the first ever preliminary injunction requiring that the school permit such a club to meet on terms equal with those of other student groups. *Colin v. Orange Unified School District*, 83 F. Supp. 2d 1135 (C.D. Cal. 2000)

### Equal Marriage Rights and Protection of Privacy

Represented national and local women's rights organizations in amicus briefs in numerous state appellate courts, including the California Supreme Court, concerning the constitutional right to marry for same-sex couples, and the invalidity of California's Proposition 8, which restricted the right to marry.

*Perry v. Schwarzenegger*: Authored amicus brief to the U.S. Court of Appeals for the Ninth Circuit supporting federal challenge to California's Proposition 8, arguing in favor of certification of questions of state constitutional law to the California Supreme Court.

*Lawrence v. Texas*: Represented the NOW Legal Defense and Education Fund as amicus curiae in support of the petitioner in the U.S. Supreme Court case challenging Texas's criminal law punishing same-sex sexual conduct. The Supreme Court struck down the Texas statute in June 2003.

**Publications, Presentations and Appearances**

Ruth Bader Ginsburg & Laura W. Brill, *Remembering Great Ladies: Supreme Court Wives' Stories*, 24 J. Sup. Ct. Hist. 255 (1999).

Ruth Bader Ginsburg & Laura W. Brill, Address, *Women in the Federal Judiciary: Three Way Pavers and the Exhilarating Change President Carter Wrought*, 64 Fordham L. Rev. 281 (1995).

Note, *The First Amendment and the Power of Suggestion: Protecting "Negligent" Speakers in Cases of Imitative Harm*, 94 Colum. L. Rev. 984 (1994).

Yale Law School, Guest lecturer

UCLA School of Law, Guest lecturer

Authored pieces published in the *Sacramento Bee*, *Los Angeles Daily Journal*, and *Chicago Daily Law Bulletin*

Frequent speaker at bar association and industry conferences

Broadcast and media commentator, featured in the *National Law Journal*

**Affiliations**

**Columbia Law School**  
Board of Visitors

**Lambda Legal Defense & Education Fund**  
Board of directors

**American Bar Association Section of Litigation, LGBT Litigator Committee**  
Co-Chair

**California State Bar Committee on Appellate Courts**  
Past member

**Prior to Kendall Brill Klieger**

Ms. Brill's experience leading up to the founding of Kendall Brill & Klieger in 2009 includes practicing with the law firm of Irell & Manella LLP from 1997-2009.

**Recognition**

**Los Angeles Daily Journal and San Francisco Daily Journal**

Named among top women litigators in California, 2006, 2009-2010

**The Best Lawyers in America**

Appellate Law, Intellectual Property Law, 2007-2011

**Southern California "Super Lawyers," 2006- 2010**

"Top 50 Women Southern California Super Lawyers 2008"

**People for the American Way Foundation**

Defenders of Democracy Award, Recipient  
Award honors leadership in protecting free speech and equal rights

**Bar and Court Admissions**

**New York, 1995**

**California, 1997**

**U.S. District Courts**

Central, Northern and Southern Districts of California  
Southern and Eastern Districts of New York

**U.S. Court of Appeals for the Second Circuit**

**U.S. Court of Appeals for the Third Circuit**

**U.S. Court of Appeals for the Fifth Circuit**

**U.S. Court of Appeals for the Ninth Circuit**

**U.S. Court of Appeals for the Federal Circuit**

**U.S. Supreme Court**