

## TOP INTELLECTUAL PROPERTY LAWYERS 2017

### Ian C. Ballon

FIRM

Greenberg Traurig LLP

CITY

East Palo Alto and Los Angeles

SPECIALTY

Litigation

Ballon is principal shareholder and co-chair of Greenberg Traurig's global intellectual property and technology practice group. A prominent IP scholar, he regularly updates his leading internet law handbook, "E-Commerce and Internet Law: Treatise with Forms," currently in its second edition. And he serves as executive director of Stanford Law School's Center for E-Commerce.

"I'm a case study in over-commitment," he said. "I'm working on updates to the treatise now. It will come out in December. It's great for my practice because I remain very current on recent cases and trends, but it is tortuous to do it. Already my day job occupies 120 percent of my time."

Clients include eBay Inc., Amazon.com Inc., CafePress Inc., Bulova Watch Co., Enom Inc., Glassdoor Inc., McClatchy Newspapers Inc., Crunch San Diego LLC, Rightside Group Ltd., LG Electronics Inc., SoundCloud Ltd., Deezer S.A., The Interpublic Group of Companies, Hyper Network Solutions of Florida LLC and others.

Ballon currently serves as lead counsel to CafePress in a major trademark infringement suit brought by The Ohio State University based on claims that

third party users uploaded onto the CafePress website "Buckeyes" and other designs that OSU alleges infringement of its trademarks. *The Ohio State University v. CafePress Inc.*, 2:16-cv-01052 (S.D. Ohio, filed Nov. 3, 2016).

He won a major precedent for eBay this year, successfully defending the online auction site in a federal case in Alabama on claims of direct and contributory patent infringement involving eBay users' sale of allegedly infringing carpenter bee traps. The court found that eBay neither sells nor offers to sell the accused bee traps and that it cannot induce infringement because it does not actually know that the products infringe. In her ruling, Chief U.S. District Judge Karon O. Bowdre of Birmingham, Alabama, held on March 20 that eBay need not rely on allegations of infringement by actual or potential plaintiffs. Importantly, Bowdre acknowledged the sound basis for eBay's current policy of not removing items from its site based on mere allegations of infringement by third parties — to prevent giving too much power to unscrupulous patent holders. *Blazer v. eBay Inc.*, 1:15-cv-01059 (N.D. Ala., filed June 24, 2015).

"The issue of secondary liability is huge," Ballon said. "There are a num-



ber of lawsuits out there against intermediaries and platforms. Blazer is a useful and important ruling for eBay to establish a venue or platform for third parties to buy and sell products, without implying that the platform is buying or selling. The case has been cited already in other cases that may be very hotly contested in district courts."

— John Roemer