



Diana Leiden

Partner

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Diana practices trademark, copyright, right of publicity, and antitrust litigation, focusing on emerging technology and Internet issues, and has significant experience counseling clients regarding the Digital Millennium Copyright Act (DMCA). She has represented several technology and media companies in cutting edge intellectual property matters and is a frequent writer on new developments in copyright and entertainment law.

Diana has also represented clients in trademark and trade dress matters in a wide range of industries, including fashion, healthcare, technology, and entertainment, and regularly counsels clients on brand protection issues. She has represented numerous Internet service providers, large media corporations, technology companies, retailers, and others in high-stakes litigations across a wide variety of industries. Diana also litigates high-profile, complex antitrust conspiracy and monopolization cases and has particular knowledge in the mixed issues of antitrust and intellectual property law, including the antitrust implications of standards setting organizations, patent pools, and intellectual property licensing.

Diana began her career with a year-long fellowship working as a staff attorney at a non-profit organization and continues to be dedicated to pro bono work. She represents a Guatemalan victim of domestic violence seeking asylum in the United States and recently obtained a notable victory at the Trademark Trial and Appeal Board for a

small publisher. In 2013 and 2016, she received the Winston & Strawn Pro Bono Commitment to Service Award for her work on behalf of Cameroonian refugees fleeing persecution on account of their sexual orientation.

Key Matters

- Represented a class of Women's National Team soccer players in gender discrimination litigation against the U.S. Soccer Federation.
- Represented a major talent agency in antitrust litigation against a writer's union.
- Defended Internet service provider in copyright lawsuits involving the safe harbor provisions of the DMCA.
- Representing a video game company in multiple intellectual property disputes.
- Represented an international luxury fashion brand in footwear trade dress and trademark litigation.
- Represented Office Depot in copyright litigation brought by Great Minds concerning educational materials subject to Creative Commons licenses.
- Represented generics company Respirent Pharmaceuticals Co., Ltd. in trade dress infringement litigation brought by Glaxo Group Limited.
- Represented Kiva Health Foods LLC, a supplements and super-foods company in a trademark infringement litigation against Kiva Brands Inc., a cannabis-infused edibles company.
- Representation of a multinational mass media corporation in a case alleging trademark and copyright infringement, as well as violations of the "copyright management information" provisions of the DMCA.
- Defended leading retailers against allegations that certain footwear carried in stores and online infringed on design patents, trademarks, and trade dress associated with a leading footwear company's products.
- Representation of web hosting companies, domain names, and online service providers in a number of copyright cases.
- Representation of several companies in proceedings in front of the Trademark Trial and Appeal Board.
- Represents plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, Inc., in their antitrust lawsuit against Keurig Green Mountain, Inc., alleging monopolization, conspiracy, tying, exclusive dealing, unfair competition, anticompetitive product redesign, patent misuse, and sham litigation claims.

Recent Experience

Secured Landmark Equal-Pay Settlement for Current and Former USWNT Members

Winston Represented Health Brands Company in Trademark Infringement Case

Defended Generic Drug Manufacturer in Trade Dress Infringement Case

Recognitions

Diana was recognized by *Best Lawyers: Ones to Watch in America*®, for intellectual property litigation in 2021–2023 and entertainment and sports law in 2023. She received the 2013 and 2016 Winston & Strawn “Pro Bono Commitment to Service Award.”

In February 2022, Diana was among the team of lawyers named as runners-up for “Litigator of the Week” by Am Law Litigation Daily for their representation of current and former members of the U.S. Women’s National Team in their landmark settlement of the equal pay portion of their lawsuit seeking to equalize pay and working conditions between the men’s and women’s U.S. national soccer teams.

Diana was recommended by the *World Trademark Review* in the 2023 and 2024 editions of *WTR 1000* and named one of *The Los Angeles Business Journal’s* “Top 100 Lawyers” of 2023.

Activities

Diana is the Co-President of the Board of Directors of the California Women’s Law Center, a non-profit organization dedicated to advancing the potential of women and girls through transformative litigation, policy advocacy, and legislation. She is also a member of the Board of Governors for the Institute for Corporate Counsel, the Los Angeles Association of Business Trial Lawyers, the International Trademark Association (INTA), and the Copyright Society of the U.S.A.

Diana was a member of Law360’s Media & Entertainment Editorial Advisory Board in 2021.

“Diana Leiden is a rising star of the set.”

World Trademark Review 1000

Credentials

EDUCATION

Diana received a J.D., *cum laude*, from the University of California, Hastings College of the Law in 2009, where she was the Executive Notes Editor of the Hastings Women’s Law Journal. She received a B.A. from the University of California, Santa Barbara in 2005, where she graduated with high honors.

ADMISSIONS

- California

Related Insights & News

- Panelist, “Proving and Arguing Monetary Remedies in Copyright, Trade Secret and Trademark Disputes,” USC 2023 Intellectual Property Institute, Mar. 20, 2023
- Presenter, “Soundalikes, Emotes, and Humvees: Copyright and Trademark in Video Games,” Lawline, Mar. 3, 2022
- Co-Author, “[Imposter Syndrome in Big Law Millennials: A Survival Guide](#),” *The Recorder*, Aug. 2, 2018

- Co-Author, “Based on True Events: The Future of Docudramas After *De Havilland v. FX*,” Los Angeles Lawyer, May 2018 Entertainment Law Issue
 - Panelist, “Fan Fiction, Fair Use, and the Federation,” Copyright Society of the USA (Southeastern Chapter), Apr. 20, 2017
 - Co-Author, “From Dracula to Drag Race: An Update on Right of Publicity,” Law360, Sep. 29, 2017
 - Co-Author, “Safe Harbor for Service Providers in a Storm of DMCA Developments,” *The Recorder*, May 8, 2017
 - Co-Author, “Developing Trends in Design Patent Enforcement,” *World Trademark Review*, Apr./May 2015 issue
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RECOGNITIONS

Winston & Strawn Trademark Team Recognized in the *WTR 1000* 2024 Rankings

FEBRUARY 6, 2024

SPONSORSHIP

Winston Sponsors the USC Gould School of Law 2023 Institute for Corporate Counsel

DECEMBER 5, 2023

PRESS RELEASE

Winston Represents Nonbinary Runner Cal Calamia in Securing Groundbreaking Therapeutic Use Exemption From USADA

OCTOBER 9, 2023

ARTICLE

Ask A Mentor: How Can I Turn Deferral To My Advantage?

SEPTEMBER 12, 2023

RECOGNITIONS

Diana Leiden Named as One of the *Los Angeles Business Journal's* Top 100 Lawyers of 2023

MAY 22, 2023

NEWS

2022 Pro Bono Impact Report

MAY 1, 2023

SPEAKING ENGAGEMENT

Winston & Strawn Sponsors 2023 Copyright Symposium

MARCH 21, 2023

SPONSORSHIP

Winston & Strawn Sponsors 2023 USC Gould School of Law Intellectual Property Institute

MARCH 20, 2023

RECOGNITIONS

Winston Honored at 2023 *Benchmark Litigation* U.S. Awards
MARCH 16, 2023

PRO BONO IN ACTION

Winston Amicus Brief for the ACLU Leads to Favorable Title IX Decision
FEBRUARY 28, 2023

RECOGNITIONS

Winston & Strawn Trademark Team Recognized in *WTR 1000* 2023 Rankings
FEBRUARY 21, 2023

SPONSORSHIP

Winston & Strawn Sponsors 2023 Copyright Society Midwinter Meeting
FEB. 9-11, 2023

Capabilities

Intellectual Property

Antitrust/Competition

Trademark Litigation, Prosecution & Brand Protection

Copyright-Infringement Litigation

Technology Antitrust

Financial Services

Media & Entertainment

Technology, Media & Telecommunications