



## Thomas Kearney

Of Counsel

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**Thomas has represented major internet service providers in high-stakes copyright and trademark lawsuits. Prior to joining Winston, he was a Research Fellow at Berkeley's Center for Law and Technology in copyright and privacy law, and holds a technical degree in mathematics and linguistics.**

Thomas' practice centers on cutting edge intellectual property issues, with a focus on complex copyright litigation and advising clients in the areas of copyright law; the Digital Millennium Copyright Act (DMCA); privacy; and risk management. As a member of the firm's highly regarded Intellectual Property practice, he has represented and advised a number of leading online service providers and high-technology companies in complex copyright disputes and related IP issues. He also has significant litigation experience in the areas of trademarks, patents, and trade secrets.

Thomas has represented and advised a number of major Internet service providers, including Cox Communications, eBay, Verizon Media, Giganews, and Quora. During 2014, he worked as an in-house attorney for a major online marketplace, where he assisted in conducting and managing copyright and other litigation for the company, and provided strategic advice to internal clients on a range of legal issues.

# Key Matters

- *Perfect 10 v. Giganews* (C.D. Cal.); *Dreamroom Productions v. FC2* (C.D. Cal.); *ABC, et al. v. Aereo* (U.S. Supreme Court) – Key member of teams representing internet service providers in complex, high-stakes copyright and trademark lawsuits.
- *Rosen v. eBay* (S.D. Cal.) – Key member of eBay’s in-house legal team in high-stakes copyright litigation.
- Representing an electronics-accessories company in multiple simultaneous patent litigations over touch screen protectors.
- Representing various technology clients (including a Fortune 100 electronics company, and a company specializing in the chemical and plastics industries) in antitrust, trade secrets, and Computer Fraud and Abuse Act (CFAA) litigation.
- *Chapterhouse Studios v. Games Workshop* (N.D. Ill.) – Representing a small independent gaming-accessories company to a jury trial, in complex copyright and trademark litigation against a large international gaming company.

Prior to joining the firm, Thomas was a Research Fellow at Berkeley’s Center for Law and Technology, working in the areas of copyright and privacy law.

# Recognitions

- Recognized by *Best Lawyers: Ones to Watch in America* in the area of Communications Law (2022–2023) and Intellectual Property Law (2023)
  - Recognized as a “Key Lawyer” by *The Legal 500 US* in the area of Intellectual Property: Copyright (2023)
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# Credentials

## EDUCATION

Thomas received his BAS in mathematics and linguistics, with distinction, from Stanford University, his MFA in film production from the University of Southern California. He received his J.D. from the University of California, Berkeley School of Law. While at Berkeley Law he was a member of the *Berkeley Technology Law Journal* and the Samuelson Law, Technology, and Public Policy Clinic; he worked as a research assistant for Berkeley Law professor Pamela Samuelson, and was part of a Samuelson Clinic team that worked with a coalition of international technology companies, investors, and human rights organizations in developing “best practices” principles to safeguard freedom of expression and privacy in information and communication technologies.

## ADMISSIONS

- California

# Related Insights & News

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## RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

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## CLIENT ALERT

“You keep using that word; I do not think it means what you think it means”: Supreme Court’s *Warhol* Fair Use Decision Reforms “Transformativeness”

MAY 26, 2023

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## SPONSORSHIP

Winston & Strawn Sponsors 2023 Copyright Society Midwinter Meeting

FEB. 9-11, 2023

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## RECOGNITIONS

Winston Wins 2022 Alice Paul Award for Dedication to Women’s Rights Through Pro Bono Support

NOVEMBER 21, 2022

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## SPEAKING ENGAGEMENT

Thomas Kearney Speaks at the Intellectual Property Law Institute 2022

OCTOBER 17, 2022

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## RECOGNITIONS

Winston & Strawn Attorneys Recognized in *Best Lawyers: Ones to Watch in America* 2023

AUGUST 18, 2022

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## CLIENT ALERT

What You Don’t “Actually, Subjectively” Know Can’t Hurt You: SCOTUS Clarifies What It Takes to Invalidate a Copyright Registration Under Section 411(b) of the Copyright Act

FEBRUARY 28, 2022

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## RECOGNITIONS

Winston & Strawn Attorneys Recognized in *Best Lawyers: Ones to Watch in America* 2022

AUGUST 19, 2021

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## NEWS

Winston & Strawn Successfully Represents Office Depot in Copyright Infringement Dismissal at Ninth Circuit

DECEMBER 27, 2019

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## CLIENT ALERT

Ninth Circuit Provides Guidance on Repeat Infringer Terminations Under the DMCA

MARCH 20, 2018

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**PRO BONO IN ACTION**

Pro Bono Reporter – Fall 2017

FALL 2017

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**CLIENT ALERT**

Supreme Court Holds That Patent Exhaustion Applies to All Sales, Foreign and Domestic

MAY 31, 2017

## Capabilities

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Litigation/Trials

Copyright-Infringement Litigation

Patent Litigation