



## Geoffrey Potter

Partner

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Geoffrey Potter is a partner and Chair of the firm's Anti-Counterfeiting Practice team. A highly-experienced trial lawyer, Mr. Potter litigates counterfeiting and product diversion cases on behalf of major corporations in diverse industries worldwide. These cases primarily involve counterfeit products with the potential to cause serious injury or death, including counterfeit medical devices, pharmaceuticals, nutritional supplements, beverages and other consumer, industrial and electronic products.

In addition to this work, Mr. Potter also litigates cases for and against financial institutions and investment funds, as well as cases concerning accountant liability, defamation, consumer and shareholder class actions, unfair competition, copyright, breach of contract and fraud. He has also conducted numerous securities and employment arbitrations and internal investigations involving Foreign Corrupt Practices Act violations, accounting improprieties and employee malfeasance.

In the anti-counterfeiting arena, he has successfully sued and executed seizure orders globally against hundreds of individuals and businesses that have manufactured and distributed counterfeits. This has resulted in the seizure and destruction of millions of counterfeits and the collection of millions of dollars in settlements and judgments. Repeatedly, Mr. Potter's efforts have resulted in counterfeiters being incarcerated.

Outside of litigation, Mr. Potter counsels clients on integrated risk reduction solutions and best practices for avoiding counterfeiting problems. He advises on proactive methods to secure products and packaging against counterfeiters and on the development of programs to guard and monitor distribution channels.

*Chambers USA - America's Leading Lawyers for Business* named Mr. Potter a Leading Practitioner for Intellectual Property Litigation known for his work in "high-stakes brand protection disputes." The guide calls him a "noted authority on anti-counterfeiting issues" and one client described him as "one of the smartest, most strategic thinking, aggressive lawyers... in IP." He is also praised for being "able to think outside the box" and for being "a lawyer who genuinely looks out for his client's best interests." Cited as an authority on anti-counterfeiting in more than a hundred articles, his recent quotes have been published in *The New York Times*, *Wall Street Journal*, *International Herald Tribune*, *Forbes*, *Bloomberg* and *Financial Times*. He is also a frequent speaker and teacher at anti-counterfeiting conferences.

### Education

- New York University School of Law (J.D., 1988)
- Cornell University (B.A., 1984)

# Patterson Belknap

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## Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit; Third Circuit; Seventh Circuit; Ninth Circuit; Federal Circuit
- U.S. District Court, Southern, Eastern and Northern Districts of New York
- U.S. Court of International Trade
- New York
- Colorado
- District of Columbia

## Professional Activities

MEMBERSHIPS: New York State Bar Association; American Bar Association, Member, Intellectual Property Division; New York Civil Rights Coalition, Corporate Counsel and Member, Board of Advisors

HONORS: Recognized as a *Leading Practitioner* for Intellectual Property by *Chambers USA - America's Leading Lawyers for Business*; Listed in *World Trademark Review 1000 - The World's Leading Trademark Professionals*

## Representative Matters

### ***Significant Litigations and Internal Investigations for Manufacturing, Financial and Professional Service Businesses***

Won and collected, after trial, a multi-million dollar verdict for a major public investment bank.

Won dismissal of a \$50 million defamation action for one of the largest Latin American banks.

Won a complete defense verdict for a brokerage firm after a year-long arbitration brought by customers with losses in excess of \$80 million.

Won dismissal for one of the largest consumer product companies of a consumer class action seeking damages on behalf of more than 100 million consumers.

Won, after trial, a complete defense verdict for one of the largest multinational industrial corporations in an action that sought a multi-million dollar banking fee.

Won a significant settlement, just before trial, for a hedge fund seeking damages against defendants that had fraudulently misrepresented the value of collateral.

Successfully represented a former partner of a leading accounting firm in SEC and criminal investigations as well as civil litigation alleging professional malpractice in connection with the audits of a public company.

### ***Internal Investigations for Audit Committees of Significant Public and Private Corporations and Charities***

On behalf of the audit committee of a public manufacturing company, conducted an internal investigation that uncovered income recognition fraud and Foreign Corrupt Practices Act violations. Following the investigation, represented the company before the U.S. Attorney and the SEC and obtained a successful settlement of all regulatory and criminal liability.

On behalf of the audit committee of a large agricultural business, conducted an internal investigation that uncovered very significant Foreign Corrupt Practices Act violations. Following the investigation represented the company before the Department of Justice and reached a settlement which resulted in no liability for the company. The Government, however, required all senior management to be trained by Mr. Potter on how to avoid future violations.

On behalf of the audit committee of a large national bank being investigated by the Federal Reserve, conducted an internal investigation concerning the purchasing and trading of certain large loan portfolios and the accounting of those transactions. The investigation showed that both the transactions and the accounting were proper and as a result the Federal Reserve dropped its investigation.

On behalf of the audit committee of a major public investment bank being investigated by the Department of Justice, the SEC and the IRS, conducted an internal investigation of a series of multi-billion dollar derivative trades. The investigation showed that the trades were proper and the Government investigations were dropped.

## Speaking Engagements

### PRESENTER:

- Chairperson, IQPC 19th Annual Anti-Counterfeiting & Brand Protection Summit (September 28-29, 2017)
- "Using Trademarks to Stop Diversion and Gray Market Sales," IQPC 19th Annual Anti-Counterfeiting & Brand Protection Summit (September 28, 2017)
- Chairperson, IQPC 18<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Conference (January 24-25, 2017)
- "Effective Strategies to Chase and Stop Counterfeiting Rings," IQPC 18<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Conference (January 24, 2017)
- "Town Hall: Examine Your Top Burning Questions," IQPC 18<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Conference (January 25, 2017)
- "CASE STUDY: The 5-Hour ENERGY™ Anti-Counterfeiting Litigation," IQPC 17<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Summit (September 26, 2016)
- "Best Practices for Fighting Product Diversion," ASIS International 62nd Annual Seminar and Exhibits (September 14, 2016)
- Panelist, "Proactive Approaches to Combat Product Diversion," IQPC Annual Anti-Counterfeiting & Brand Protection Summit (January 27, 2016)
- Moderator, "Developing Effective Brand Protection Budget Buy-In," IQPC Annual Anti-Counterfeiting & Brand Protection Summit (January 26, 2016)
- "Combatting Product Diversion," ASIS International 61st Annual Seminar and Exhibits (September 29, 2015)
- "Proactive Business Approaches for Combatting Illegal Diversion," Anti-Counterfeiting & Brand Protection Summit (January 27, 2015)
- "Striking Back Against Counterfeiters," ASIS International 60th Annual Seminar and Exhibits (September 30, 2014)
- "Brand Initiated Enforcement: How to Take Enforcement into Your Own Hands," IQPC Anti-Counterfeiting Pharmaceuticals and Medical Devices Summit (June 25, 2014)
- "Using The Anti-Counterfeiting Laws to Hunt Down and Shut Down Counterfeiters," ASIS International 59th Annual Seminar and Exhibits (September 26, 2013)

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- “Raising Concerns in Counterfeit Medical Devices: How to Prevent Fraud,” Quality Assurance in Device & Diagnostic Manufacturing Conference, Frankfurt, Germany (November 8, 2011)
- “Case Study: Addressing Counterfeit Repackaging of Diverted Medical Devices,” IACC Annual Spring Conference (May 13, 2011)
- “Nuts & Bolts of Anti-Counterfeiting Litigation,” USC Regulatory Science Program and The Food and Drug Law Institute Anti-Counterfeiting Seminar (November 10, 2010)
- “Monitoring and Protecting a Licensing Program,” LIMA Licensing International Expo 9, Las Vegas (June 9, 2010)

## In the Media

*Corporate Counsel*, "[Tracking Down a Counterfeiter, Bottle by Bottle, and Finding Justice](#)" (May 2017)

*The Mercury News*, "[San Jose: 5-Hour Energy counterfeiter gets 7 years in prison](#)" (April 2017)

*Law360*, "[Counterfeit 5-Hour Energy Ringleader Sentenced To 7 Years](#)" (April 2017)

*IPPro the Internet*, "[Alibaba calls for tougher counterfeit penalties](#)" (February 2017)

*InsideCounsel*, "[Alibaba Should 'Look in the Mirror' Over False Counterfeiting Accusations](#)" (February 2017)

*The American Lawyer*, "[Litigator of the Week: Nabbing the Counterfeiters for 5-Hour Energy](#)" (December 2016)

*New York Law Journal*, "[Second Circuit Approves Sales Ban on 'Gray Market' Diabetes Test Strips](#)" (November 2016)

*Law360*, "[2nd Circ. Backs Ban On 'Gray Market' Sale Of Abbott Test Strip](#)" (November 2016)

*Law360*, "[Challenge To Test Strip Injunction Falls Flat In 2nd Circ.](#)" (October 2016)

*USA Today*, "[Head of anti-fakes group closely tied to Alibaba](#)" (May 2016)

*Law360*, "[Injunction On 'Gray Market' Abbott Diabetes Test Strips Grows](#)" (December 2015)

*The American Lawyer*, "[Patterson Belknap Scores for Abbott in Diabetes Test Strip Imports](#)" (November 2015)

*Law360*, "[Feds Indict 10 Over Fake 5-Hour Energy Scheme](#)" (June 2015)