



Robert P. LoBue

Partner

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Robert LoBue served as Co-Chair of the Firm and Managing Partner from 2007 to 2014. His practice includes both a first-seat role in many of the Firm's most significant complex business disputes as well as his long-time focus on intellectual property and First Amendment litigation and counseling. Mr. LoBue has argued numerous appeals in various federal and state courts. He is co-author of the Media Law Resource Center's 50-State Survey of Media Privacy and Related Law and of articles on media issues and federal procedure. He is the recipient of the Thurgood Marshall Award conferred by the Association of the Bar of the City of New York for his pro bono service in a death penalty case, and has filed amicus briefs in the US Supreme Court on behalf of retired federal judges and human rights organizations in several landmark cases relating to the 'War of Terror'.

His extensive trial and appellate experience has earned him recognition in industry publications such as *Chambers USA* and Euromoney Institutional Investor PLC's *Benchmark: America's Leading Litigation Firms and Attorneys*. *Chambers USA* recognizes Mr. LoBue in the Intellectual Property: Trade Mark & Copyright area, noting that he "stands out for his efficient and businesslike approach" and describing him as "an esteemed litigator" with "a particularly strong record on behalf of media and publishing companies." One commentator describes him as "the exact type of lawyer that in-house counsel need. He gives real-world advice, not some academic exercise." *Benchmark* lists Mr. LoBue as a "Litigation Star" in both our top-ranked Litigation group, as well as our Intellectual Property Litigation group, which is among the best firms nationally. *Benchmark* stated, "LoBue's prowess is supported by client feedback; one satisfied client says, 'If you want someone who's going to waste your time, look elsewhere. Bob LoBue gets it done ...'" *Managing Intellectual Property* magazine lists Mr. LoBue among its "IP Stars" for New York in the areas of Trademark Contentious and Copyright, and he has been recognized by *The Best Lawyers in America* in the area of Media Law.

Mr. LoBue serves as the Firm's co-General Counsel and has served on bar association ethics committees. With this background, he often provides counsel on matters of legal ethics and law firm risk management. Prior to joining Patterson Belknap, Mr. LoBue served as Law Clerk to the Hon. David N. Edelstein, U.S. District Court for the Southern District of New York.

Education

- University of Pennsylvania Law School (J.D., 1978)
 - Reeve Award (trusts)
 - Burkan Award (copyright)
 - Order of the Coif
 - Articles Editor, *University of Pennsylvania Law Review*

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- Brown University (A.B., *with honors*, 1975)
 - Phi Beta Kappa

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, D.C. Circuit; Second Circuit; Third Circuit; Fourth Circuit; Sixth Circuit; Ninth Circuit
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Tax Court
- New York

Professional Activities

MEMBERSHIPS: Member, American Bar Association; Association of the Bar of the City of New York; New York State Bar Association

HONORS: Recognized by *Chambers USA* in the areas of Intellectual Property: Trade Mark & Copyright and Media & Entertainment; Listed as a "Litigation Star" for New York in Euromoney Institutional Investor PLC's *Benchmark: America's Leading Litigation Firms and Attorneys*; Listed in *Managing Intellectual Property* magazine's "IP Stars" for New York in the areas of Trademark Contentious and Copyright; Recognized in *The Best Lawyers in America* in the area of Media Law; Named in *Super Lawyers* in the area of Business Litigation

Publications

- Contributor to www.AntitrustUpdateBlog.com
- Co-author, "[The Soft Power Of Congress To Challenge Mergers](#)," *Law360* (August 1, 2017)
- Contributor, *Antitrust Year in Review(United States)*, ABA Section of International Law (2015; Spring 2016)
- Author, "[Is it Privileged? Privilege Issues for In-House Counsel](#)" *Inside*, Spring/Summer 2012, Vol. 30, No. 1, New York State Bar Association
- "[TheFlyonTheWall: A Judicial Paradox?](#)" *ABA, Section of Litigation First Amendment & Media Litigation Committee* (January 17, 2012)
- Co-Author, "50 State Survey: Media Privacy and Related Law," *Media Law Resource Center*

Business Litigation

Below are representative business litigation matters for Mr. LoBue.

Monoline Insurance Company

Currently leading the defense of one of the principal monoline insurance companies in numerous antitrust and fraud/contract actions by municipal bond issuers. Also representing monoline insurer in multi-billion dollar breach of contract/fraud claim against financial institutions arising from issuance of mortgage-backed securities.

Leading National Bank

Representing major bank in ongoing defense of antitrust class actions alleging violations in the structure and practices of the payment card industry. The actions, brought over ten years ago by alleged class of merchants throughout the U.S. who accept visa and Mastercard, seek billions in damages arising from claim that the

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interchange or “swipe fee” imposed on every use of a payment card in the United States was the subject of an antitrust conspiracy in restraint of trade.

Export Trade Association

A member of an export trade association chose to terminate its membership, and commenced an arbitration against the association alleging that provisions of the membership agreement constituted an unreasonable restraint of trade, and also alleging that various marketplace activities by the association violated sections 1 and 2 of the Sherman Act. As lead counsel for the association, brought the arbitration to a successful conclusion in all respects. After a two-week trial, the panel of three AAA arbitrators issued a declaratory judgment that the membership provisions were valid, and rejected all claims of anti-competitive activities on jurisdictional and substantive grounds. In this “bet the company” case, the association turned to us to defend it instead of its regular counsel.

Magazine Publisher

Lead counsel for the largest U.S. magazine publisher in defense of antitrust class actions alleging nationwide price-fixing conspiracy involving all major publishers. Secured no-damages settlement approved by the Court.

Pharmaceutical Manufacturer

Lead counsel for a Fortune 50 pharmaceutical company in defense of 13 nationwide class actions brought in both federal and state courts asserting illegal monopolization based on alleged improper procurement and enforcement of patents relating to an OTC product. After extensive procedural wrangling including a removal to federal court and contesting class certification, ended case by persuading all plaintiffs’ counsel that their theories of liability were meritless. Suits were voluntarily withdrawn.

European Holding Company

After our client completed a multi-hundred million dollar sale of a worldwide family of subsidiaries, the purchaser claimed fraud and breach of contract based on alleged misstatements in the financial statements on which the deal was based. The claims implicated a wide range of U.S. and various foreign GAAP principles and exceeded \$90 million. Following extensive document discovery, and working with accounting experts in the U.S. and abroad, persuaded the purchaser that virtually all of the claimed errors were either meritless as a matter of accounting or caused it no damage. A favorable settlement at litigation cost followed.

Intellectual Property

Below are representative intellectual property matters for Mr. LoBue.

News Media Client

Enforcing the proprietary rights of national news media entity in numerous “hot news” and copyright cases against web-based competitors and others alleged to have regularly reproduced news reports published on client’s newspaper, newswire and web products. Secured several substantial monetary and injunctive settlements, including one in which defendant also publicly admitted liability for both copyright infringement and hot news misappropriation.

Studio and Comic Strip Publisher

Representing owners of copyrights in world-famous cartoon characters “Betty Boop,” “Popeye,” and “Flash Gordon” in litigations against unauthorized licensing by third party of merchandising rights.

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Cable Television Channel

Litigation of copyright, trademark, right of publicity and other IP claims. Defense of copyright case alleging unlicensed music performances.

Securities Index Publisher

Representing publisher of world-famous stock indexes in litigation contesting rights of publisher to control use of index in creation of derivative investment instruments. Ongoing counseling and enforcement of publisher's rights against unauthorized uses of indexes.

Record Company

Defense of copyright infringement claims arising from recordings by internationally famous artists and composers.

Publisher of Business and Financial Data and Reports

Representing major publisher of databases of financial information in worldwide effort to protect franchises by securing intellectual property rights to database material and a variety of business-oriented publications.

Financial Information Vendor

Advice on antitrust, business and intellectual property terms of data distribution agreements. Defense of claim for copyright infringement and breach of contract; secured award of attorney's fees under Copyright Act for client in successful defense.

First Amendment Litigation

Below are representative First Amendment litigation matters for Mr. LoBue.

Television Station

Defended local New York station and reporter against libel claim premised on news report describing plaintiff as a "deadbeat dad" who concealed assets to avoid child support obligations. Plaintiff dropped case when it became apparent that defendants' aggressive discovery efforts would enable it to prove substantial truth.

Art Historians

Defended prominent university professors and art historians in product disparagement claim based on their public denunciation of plaintiff's multi-million dollar art collection as largely comprised of fakes. Case ended with voluntary withdrawal by plaintiff and payment of defendants' attorneys fees.

National Newspaper

Defended a leading national newspaper in libel suit brought by extremist group Liberty Lobby. Case dismissed on summary judgment, affirmed by D.C. Circuit, which agreed with the district court that defendant had proved the truth of the key allegation that Liberty Lobby was "anti-Semitic."

Radio Talk Show Host

Convinced the New Jersey appellate court to uphold an award of summary judgment in favor of a well-known talk radio host and a major radio station; the case involved allegations of "wife-beating" (held to be nonactionable as, in context, rhetorical hyperbole) and alleged invasion of privacy in the disclosure of private facts about the plaintiff.