



Contact

**Jennifer Yang**

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Jennifer Yang is an associate in the Litigation Department. She is a commercial litigator with a particular emphasis on false advertising and other intellectual property disputes, including Lanham Act and consumer class action false advertising litigation, advertising challenges before the National Advertising Division, as well as trademark, trade secret and copyright litigation. She has experience representing clients in a variety of industries, including medical device companies, consumer products companies, fashion retailers and art foundations.

Jennifer is an author and editor of Proskauer's advertising law blog, [Proskauer on Advertising](#).

## Matters

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### Representative matters include:

- *Church & Dwight Co., Inc. v. SPD Swiss Precision Diagnostics, GmbH* (S.D.N.Y. 2014). Counsel to plaintiff Church & Dwight in a Lanham Act false advertising action against competitor SPD Swiss Precision Diagnostics GmbH involving FDA-regulated home pregnancy tests. In a July 1, 2015 decision

following a two-week trial on the liability and injunction phase of this bifurcated case, the Court found the defendant liable for false advertising, ruled that the false advertising was intentional and egregious, and granted our client's request for a permanent injunction, a nationwide package recall and corrective advertising. This decision was affirmed by the U.S. Court of Appeals for the Second Circuit in July 2016. In August 2018, following a trial on damages, the District Court adopted our calculation of lost profits and awarded our client almost \$10 million.

- *Bilinski, et al. v. The Keith Haring Foundation, Inc. et al.* (S.D.N.Y. 2014). Counsel to defendants the Keith Haring Foundation and related entities in a dispute alleging defamation, antitrust violations, Lanham Act false advertising and various other torts in connection with the Foundation's determination that works of art owned by the plaintiffs were not authentic works by the hand of Keith Haring. On March 6, 2015, the District Court granted our motion to dismiss all nine causes of action asserted in plaintiffs' second amended complaint. On December 2, 2015, the U.S. Court of Appeals for the Second Circuit also ruled in favor of our clients, affirming the District Court's dismissal of the case.
- *Morrow v. PVH, et al.* (S.D. Cal. 2016), *Ramos v. PVH* (E.D. Cal. 2016) and *Dennis v. Ralph Lauren* (S.D. Cal. 2016). Counsel to the owners of the Calvin Klein, Tommy Hilfiger, Van Heusen and Ralph Lauren brands in defense of putative class actions alleging false discount pricing at California outlet stores. Pending.
- *Gambro Renal Products, Inc. v. NxStage Medical, Inc.* (D. Mass. 2012). Counsel to defendant NxStage in defense of a Lanham Act false advertising litigation involving marketing of Continuous Renal Replacement Therapy devices used in hospital intensive care units for the treatment of patients suffering from end-stage kidney failure. Case settled in 2014.
- *The Jones Group Inc. et al. v. Roberto Zamarra et al.* (N.Y. Sup. Ct. 2013). Counsel to plaintiffs The Jones Group and Nine West in a case concerning employee non-solicit and confidentiality agreements, and misappropriation of confidential information and trade secrets. Case settled in 2014.
- *Radiancy, Inc. v. Viatek Consumer Products Group, Inc.* (S.D.N.Y. 2013).

Representation of plaintiff patent holder in patent infringement, trademark infringement and false advertising litigation concerning defendant's at-home hot wire hair-removal devices (pending). Case settled in 2016.

- *Energizer Brands, LLC v. Spectrum Holdings, Inc.* (E.D. Mo. 2016). Counsel to plaintiff Energizer in trademark and trade dress infringement litigation concerning Energizer's product packaging. Case settled in 2017.
- *Tween Brands Investment, LLC v. Bluestar Alliance, LLC* (S.D. Ohio 2015). Represented owners of Justice, the leading brand of tween-age girls' clothing, in the successful resolution of a sharply contested trademark, copyright, and false advertising suit in the Southern District of Ohio against Bluestar, owner of the Limited Too brand of girls' apparel. Case settled in 2017.

#### Practices

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Litigation, Product Liability & Consumer Litigation, False Advertising & Trademark

#### Education

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Columbia Law School, J.D., 2012

Harlan Fiske Stone Scholar

University of California, Berkeley, B.A., 2009

Phi Beta Kappa

Distinction in General Scholarship

#### Admissions & Qualifications

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New York

#### Clerkships

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New York Supreme Court, Bronx County - Hon. Richard Lee Price

#### Court Admissions

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U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

Languages

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Mandarin