

Practice Areas

- Litigation
- Entertainment, Media and Communications
- Intellectual Property
- Labor and Employment
- Corporate

Education

- J.D., St. John's University School of Law, 1983
- B.A., St. John's University, 1980

Bar Admissions

- New York (1984)
- U.S. Circuit Court of Appeals for the Second Circuit (1990)
- U.S. District Courts for the Southern and Eastern Districts of New York (1988)
- U.S. District Court for the District of Columbia (2003)

John J. Lynch

Partner

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John J. Lynch specializes in the areas of intellectual property, information technology, media and entertainment law. He has litigated a broad range of civil matters, with an emphasis on copyright and trademark infringement, technology systems litigation and the defense of defamation, privacy and other media claims.

John has counseled clients in connection with licensing of intellectual property and information technology, software and technology systems development, joint ventures, content acquisition and exploitation, entertainment and employment agreements. He has been a speaker on topics related to intellectual property, information technology and media at bar associations and industry groups, and is the author of published articles on a variety of topics.

Representative matters in which John has been involved include:

- *Blakeman v. The Walt Disney Co.*, 613 F.Supp.2d 288 (E.D.N.Y. 2009): Represented defendant screenwriters, producers, actors and distributors of film *Swing Vote* and secured dismissal of copyright infringement claims, prior to discovery, where examination of film and plaintiff's movie treatment established no substantial similarity between the works.
- *Dabiri v. Federation of State Medical Boards of the United States, Inc.*, 2009 WL 803126, E.D.N.Y.: Defended organization of medical boards which maintains records of disciplinary actions against physicians and secured dismissal of claims arising out of organization's maintenance of data regarding suspension of plaintiff's license to practice medicine in U.K.
- *McDermott v. New York Metro LLC*, 2009 WL 3003204, S.D.N.Y.: Secured dismissal of federal Fair Housing Act claims against newspaper *El Diario* based on plaintiff's lack of standing.
- *Lehman v. Fox Cable Networks, Inc.*, 2009 WL 2707391, E.D.N.Y.: Secured dismissal of claim that Fox Reality Channel, Lions Gate Entertainment and Termite Art Productions had violated New York's Grand Jury secrecy statute by airing tapes of an undercover sting operation obtained from the District Attorney that had been introduced as evidence in a Grand Jury proceeding. The Court held that the statute did not apply to the media. Also secured dismissal of defamation claims on statute of limitations grounds.

- *O'Keefe v. Ogilvy & Mather Worldwide, Inc.*, 590 F.Supp.2d 500 (S.D.N.Y. 2008): Defended Digitas, Inc., an advertising agency that developed the on-line presence for defendant American Express's "My Life. My Card" advertising campaign and secured summary judgment dismissing claim that Digitas' work infringed plaintiff's copyright in his website titled "My Work. My Card."
- *Andrikopolous v. Gach*, N.Y. Supreme Court, Albany Co. (2006): Defended well-known "shock jock" at jury trial of intentional infliction of emotional distress claim arising out of DJ's on-air comments regarding plaintiff who had suffered debilitating burn injuries as a child. Settlement was reached at close of plaintiff's case at trial.
- *Kimm v. Lee*, 2005 WL 89386 (S.D.N.Y. 2005), *aff'd*, 196 Fed.Appx. 14 (2d Cir. 2006): Defended world's largest Korean-language newspaper and secured dismissal of RICO claim arising out of newspaper's publication of allegedly defamatory statements regarding plaintiff. District Court held, and Second Circuit affirmed, that alleged reputational harm cannot constitute an injury to business or property as required to state a RICO claim.
- *Brooks v. Anderson*, 18 Misc.3d 1109 (N.Y. Supreme Court 2007): Defended *Co-op City Times* and Co-op City board member in defamation action arising out of article reporting on plaintiff's removal as officer of the board. Secured summary judgment dismissing defamation claim based on common-interest privilege protecting statements by co-op board member in community newspaper regarding matters of legitimate concern to residents.
- *Hoatson v. Carter Ledyard & Milburn*. (N.Y. Supreme Court, N.Y. Co. 2007): Secured dismissal of claims for defamation, negligence and tortious interference against law firm arising out of law firm's letter to newspaper demanding retraction of article regarding its client.
- *Deva v. Noospherics Technologies*, American Arbitration Association (Washington, D.C. 2001): Defended website developer in arbitration before former federal judge, CIA and FBI Director William F. Webster. Prevailed on motion to dismiss breach of contract claim following week-long hearing based on limitation of remedies provision in website development agreement.
- *Metropolitan Life Ins. Co. v. Noble Lowndes Int'l, Inc.*, 84 N.Y.2d 430 (N.Y. Court of Appeals 1994): Represented software developer in seminal case establishing that developer's intentional breach of contract for convenience is not, in and of itself, a willful act such as would negate a contractual limitation of liability.

John is a 1983 graduate of St. John's University School of Law, where he served as an Associate Editor of the *Law Review*. From 1983 to 1986, he clerked at the New York State Court of Appeals.

Previous Positions

- Jacobs deBrauwere LLP, Partner (2004-09)
- Dillingham & Murphy, LLP, Partner (2000-04)
- Brown Raysman & Millstein, Associate (1991-96)

- Squadron Ellenoff Plesent & Lehrer, Associate (1988-91)
- Mudge Rose Guthrie Alexander & Ferdon, Associate (1986-88)
- Law Clerk to the Honorable Fritz W. Alexander, III, New York State Court of Appeals (1985-86)

Publications

- Editor-in-Chief, *Convergence*, International Bar Association
- Author, *Court Dismisses Claim that "Swing Vote" Infringed Plaintiff's Movie Treatment*, MLRC MediaLawLetter, May 2009
- Author, *Current Tax Issues Relating to the Online Sale and Distribution of Wine in the United States*, International Bar Association, September 2003
- Author, *U.S. Internet Jurisdiction "Sliding" Toward Broader Analysis*, E-Commerce Newsletter, London, U.K., February 2003
- Author, *Contractual Limitation on Liability Enforced Absent Intent to Harm: New York's High Court Interprets Provisions of Software Agreement*, Computer Law Strategist, November 1994
- Author, *Survey: Misapplication of Bank Funds Under N.Y. Banking Law §633*, 56 St. John's Law Review 179 (1982)
- Author, *Survey: Notice of Intrafamily Claims Under N.Y. Insurance Law §167(1)*, 56 St. John's Law Review 750 (1982)

Speaking Engagements

- Speaker, *User Generated Content – Avoiding Legal Pitfalls and Maximizing Business Benefits*, speaker on defamation, infringement, invasion of privacy and tort claims and related defenses arising from user generated content on social networks, blogs and websites. International Bar Association, Madrid, Spain (October 2009)
- Lecturer, *Potential Impact of the ALI's Principles of the Law of Software Contracts*. Web seminar presented to insurance underwriters and claims counsel regarding new express and implied warranties proposed by the American Law Institute in its recently-promulgated *Principles of the Law of Software Contracts* (September 2009)
- Lecturer, *Media Defense Seminar – Defamation, Privacy and Related Issues, Trends and Developments*, Chubb Specialty Insurance seminar for insurance underwriters and claims counsel on understanding and managing risks concerning defamation, privacy and related matters (February 2009)
- Lecturer, *Managing Risk in the Blogosphere*, Chubb Specialty Insurance seminar on blogging and insurance-related risks (October 2006)
- Lecturer, *Managing Risk in Technology Development Projects*, Chubb Specialty Insurance seminar to assist insurance underwriters in advising insureds on best practices to limit risk arising from technology development projects (February 2006)
- Speaker, *Legal Issues Implicated by Master Recording Ringtones*, New York State Bar Association (April 2005)

- Lecturer, *Limitation on Liability and Indemnification Provisions*, Chubb Specialty Insurance seminar for insurance underwriters on utilization of limitation of liability, warranty and indemnification provisions in technology development contracts to reduce risk and liability (May 2004)
- Lecturer, *Defending Media Claims*, Chubb Specialty Insurance seminar for insurance claims handlers on efficiently analyzing and dealing with intellectual property, defamation and privacy claims against media insureds (March 2004)
- Speaker, *Managing Your Own Law Firm*, Association of the Bar of the City of New York panel advising attorneys on small-firm management issues (December 2003)
- Speaker, *From Grape to Glass*, speaker on issues legal arising from on-line purchasing and direct shipment of wine in the U.S., International Bar Association, San Francisco CA (September 2003)
- Speaker, New York New Media Association seminar for New Media professionals regarding intellectual property and information technology (2003)
- Speaker, *Emerging Cyber Risk*, American Insurance Association seminar for insurance professionals regarding cyber security and emerging on-line risks (October 2001)
- Lecturer, School of Visual Arts guest lecture to digital arts students on intellectual property and New Media issues (1999)

Professional Affiliations

- International Bar Association (Chair of the User Generated Content Committee; Member of the Section on Intellectual Property, Technology and e-Commerce and Media Law)
- Media Law Research Center (Trial Committee)
- Association of the Bar of the City of New York (Litigation Committee, 1993-95)
- Neutral Mediator, New York Supreme Court Alternative Dispute Resolution Project

News

- Partner John Lynch Appointed Editor-in-Chief of International Bar Association Publication "Convergence"
- Partner John Lynch to Speak at International Bar Association in Madrid on Panel Addressing "User Generated Content"
- Pryor Cashman Partner John Lynch Presents Web Seminar Analyzing the American Law Institute's Proposed "Principles of the Law of Software Contracts"
- Pryor Cashman Obtains Dismissal of Discriminatory Housing Ad Claims Against Newspaper
- Pryor Cashman Wins Motion Dismissing Claims In Case Involving Reality Television Program

- Robert J. deBrauwere and John J. Lynch Join Pryor Cashman As Partners In Litigation And Digital Media Practice Groups

Events

- Partner John Lynch to Speak at International Bar Association in Madrid on Panel Addressing “User Generated Content”