



Kelley S. Gordon

Partner

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Kelley first became interested in intellectual property at a young age when she saw her grandfather's hand-drawn car designs—commissioned during his time working for a large US automotive corporation in Detroit—turn into real-life vehicles. While in college at Indiana University, Kelley fostered her interest in IP and majored in Cognitive Science, focusing her studies in computer science, linguistics, psychology, finance, and art history. Kelley worked in a research laboratory dedicated to the use of artificial intelligence in detecting the onset of Alzheimer's and dementia. Over the course of her undergraduate studies, Kelley valued how developments in each area of study were worthy of proprietary protection.

Kelley went on to earn her dually accredited US/UK Master's degree in art history and visual culture from Richmond The American International University in London, UK where she authored her dissertation on the global state of *droite de suite* (artists' resale royalty rights), with particular focuses on China, the EU, and the US. Following her Master's degree Kelley earned her Juris Doctor from The John Marshall Law School in Chicago (now University of Illinois-Chicago School of Law) where she earned her certificate in Intellectual Property Law.

Following law school, Kelley worked at a boutique firm handling commercial litigation and commercial collection matters, which enabled her to effectively and creatively litigate disputes and collect satisfaction of judgments obtained in favor of her clients. Kelley then worked for a national law firm counseling and representing clients in litigation matters addressing intellectual property disputes including trademarks, trade dress, copyrights, and design patents; unfair competition; trade secrets; data privacy and technology concerns; and restrictive covenant employment matters.

Kelley's background in both science and the arts in combination with a broad range of litigation experience allows her to provide unique guidance in advising clients with their litigation and enforcement strategies across a variety of industries including pharmaceuticals, technology, consumer products, and service industries. Kelley assists clients with their individualized global and domestic portfolio maintenance goals, develops enforcement strategies, and serves clients' litigation needs before the Trademark Trial and Appeals Board, District Court and the United States International Trade Commission.

In addition to counseling clients in branding strategies and aiding clients in registering trademarks and copyrights, Kelley's practice focuses on enforcement of clients' intellectual property through opposition and cancellation proceedings, social media enforcement, Uniform Domain-Name Dispute-Resolution Policy proceedings, and District Court litigation.

Since 2021, Kelley has been selected for inclusion in the *Illinois Rising Stars*® lists, featuring outstanding young attorneys in the state.



Practices

- Design Patents
- Copyrights
- IP Litigation
- ITC 337 Investigations
- Trademarks

Industries

- Consumer Products
- Entrepreneurship, Startups & Emerging Companies
- Fashion, Luxury & Retail
- Insurance & Financial Services
- Internet & Cyberlaw
- Pharmaceuticals

Representative Experience

- Defended and counter prosecuted trade dress infringement claim involving related utility and design patents, trademark infringement, unfair competition, unfair business practices, tortious interference with prospective economic advantage, fraudulent inducement into contract based on patent assignment, and rescission claims
- Defended and negotiated a favorable settlement on behalf of individual accused of copyright infringement of motion picture
- Regularly conduct trademark due diligence including trademark searches, review use of mark and corresponding classes, currency of title, licensing agreements, and potential common law rights
- Aided in defense of trade secret misappropriation in breach of restrictive covenants and violations of state laws resulting in favorable settlement

Kelley has extensive experience in the following sectors:

- Pharmaceuticals
- Consumer goods
- Retail services
- Technology services

- Financial services
- Trademark litigation and portfolio management
- Copyright disputes, ownership, and counseling
- Brand protection
- Anti-counterfeiting litigation

Background and Credentials

Kelley received her J.D. from The John Marshall Law School with a certificate in Intellectual Property. While in law school, she attended a summer program at Peking University Institute of International Intellectual Property in Beijing, China, and was also a member of Phi Alpha Delta and the Intellectual Property Law Society. She holds a Bachelor of Arts in Cognitive Science with a concentration in Psychological & Brain Sciences from Indiana University. As an undergraduate student, she served as the Phi Alpha Delta Pre-Law Fraternity President and received the award for "Best Attorney Overall" at the Phi Alpha Delta national mock trial competition.

Education

- The John Marshall Law School (J.D.)
 - Certificate in Intellectual Property
- Richmond, The American International University, in London (M.A.)
 - Art History & Visual Culture
- Indiana University (B.A.)
 - Cognitive Science

Bar Admissions

- Illinois
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Seventh Circuit

Publications and Presentations

- "[Analyzing the Supreme Court Ruling on Time Bar and Copyright Infringement Claims](#)," *Today's General Counsel*, September 16, 2024.
- "[Supreme Court Rejects 'Judicially Invented Damages Limit' for Copyright Infringement](#)," *Marshall Gerstein Alert*, Co-Author, July 23, 2024.
- "[Trademarks, Copyrights, Brands, T-Shirts, and Champagne with Tiffany Gehrke and Kelley Gordon](#)," Podcast, *Emerging Litigation Podcast*, July 23, 2024.
- "What You Need to Know About Social Media Copyright" (featured quotes), Sprout Social, May 8, 2023.
- "What are the Copyright Implications of NFTs?," *Reuters Westlaw Today*, Co-Author, October 29, 2021.

See Kelley's additional publications and presentations.

Community and Professional Involvement

- Copyright Society of the USA (CSUSA) Visual & Fine Arts Subcommittee member (2024-2025)
- Copyright Society of the USA (CSUSA) Midwest Chapter Co-Chair (2020-2023)
- Chicago Women in Intellectual Property (CHiWIP), Professional Development Committee Member (2019-2021)
- Defense Research Institute, Intellectual Property Litigation Trademark Vice Chair (2020-2021) and Intellectual Property Committee Young Lawyer Liaison (2019-2020)
- Chicago Bar Association, YLS Intellectual Property Committee Co-Chair (2018-2019)
- Intellectual Property Law Association of Chicago (IPLAC)
- Chicago Bar Association, Judicial Evaluation Committee Investigation Division Member, Intellectual Property Committee Member, Commercial Litigation Committee Member, Cyber Law and Data Privacy Committee Member
- International Association of Privacy Professionals (IAPP)

Insights

September 16, 2024

"Analyzing the Supreme Court Ruling on Time Bar and Copyright Infringement Claims"

Today's General Counsel

July 23, 2024

Supreme Court Rejects "Judicially Invented Damages Limit" for Copyright Infringement

Marshall Gerstein Alert

July 23, 2024

"Trademarks, Copyrights, Brands, T-Shirts, and Champagne with Tiffany Gehrke and Kelley Gordon"

Emerging Litigation Podcast

April 19, 2024

"She Painted a Few Champagne Bottles..." (featured quotes)

WIRED

May 8, 2023

"What You Need to Know About Social Media Copyright" (featured quotes)

Sprout Social

October 12, 2022

"How a Supreme Court Case About Andy Warhol's Paintings of Prince Could Reshape Freedom of Expression" (featured quotes)

ARTNews

October 29, 2021

"What are the Copyright Implications of NFTs?"

Reuters Westlaw Today

October 5, 2021

2021 Trademark Decisions

DRI SLG Spotlight Series – Trademark

April 9, 2021

"Who's Design Is It Anyway? – IP Protection Strategies"

University of Florida Interior Design Program, College of Design, Construction & Planning

January 6, 2021

"PROTECT YOUR TURF – IP Protection Issues in Landscape/Urban Design"

University of Florida Department of Landscape Architecture & Planning, College of Design, Construction & Planning

December 14, 2020

"Waging the war on Counterfeits Amid a Pandemic"

Managing Intellectual Property

November 29, 2020

"What is in a (Domain) Name? The Importance of Consumer Perception"

HotelExecutive

November 12, 2020

"Survival of the Fittest: Enforcement for the 2020 COVID-19 Trademarks"

Thomson Reuters Westlaw

August 28, 2020

"Panel Discussion on the Booking.com Supreme Court Decision"

ChiWIP Webinar

April 28, 2020

"Hand It Over—Trademark Infringers' Profits at Risk Even Without Proof of Willfulness"

Marshall Gerstein Alert

2019 Edition

"Business and Commercial Litigation Handbook"

Illinois Institute for Continuing Legal Education, Chapter 6: eDiscovery