

PARTNER

Benjamin Margulis

New York

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PROFILE

Ben specializes in intellectual property matters that implicate principles of free expression and fair use.

Since joining the firm in 2013, Ben has represented clients from a variety of industries in complex matters arising under the Copyright and Lanham Acts, state unfair competition and defamation laws, federal securities and trade laws, as well as common law fraud and contract principles.

Prior to joining the firm, Ben served as a law clerk for the Honorable Joseph A. Greenaway, Jr. of the United States Court of Appeals for the Third Circuit. Before clerking, he worked for two years as an associate for Cahill Gordon & Reindell, where he represented Standard & Poor's in several complex commercial litigations.

EXPERIENCE

Ben's recent experience includes:

- Advising and representing DraftKings, Inc. in matters relating to daily fantasy sports
- Securing a global injunction for The Explorers Club, Inc. preventing the illegal use of their name based on state law protecting charitable organizations
- Advising and representing Richard Prince in matters relating to copyright and fair use
- Defending Pain Therapeutics, Inc. in a federal securities class action litigation



PRACTICES

Intellectual Property
Media and First Amendment
Constitutional Law
Securities and Shareholder Disputes
Sports and Gaming
Employment Disputes
Appellate
Technology
Commercial Disputes

EDUCATION

Benjamin N. Cardozo School of Law, J.D., *magna cum laude*; *Order of the Coif*; Head de novo Editor, *Cardozo Law Review*; Teaching Assistant, *Criminal Trial Practice & Torts*; Alexander Fellow
New York University, B.A., *cum laude*, Mathematics

ADMISSIONS

Bars

New York
U.S. Court of Appeals: Third Circuit
U.S. District Court: Eastern District of New York
U.S. District Court: Southern District of New York

CLERKSHIPS

- Counseling CBS in its suit against Dish Network LLC for copyright infringement and common law fraud
- Serving as co-lead appellate counsel in a pro bono defamation matter before the First Department, successfully reducing the judgment against his client from \$125,000 to \$100
- Working as part of the team to further LGBT rights and equality in the United States by representing openly gay individuals seeking to become adult leaders with the Boy Scouts of America and securing an injunction against the Commonwealth of Virginia allowing same-sex couples in that state to marry

Hon. Joseph A. Greenaway, Jr., U.S. Court of Appeals: Third Circuit

PUBLICATIONS & PRESENTATIONS

Co-author, **How The Warhol Copyright Case Affects Fair Use Protection**, Law360 (May 2023)

Slowly At First, Then In Rapid Course: LGBTQ Rights Rulings in the Decade Since Perry v. Schwarzenegger, The Recorder (August 2020)

The Team's Name, the Government's Speech: "Redskins" Trademark Registrations Remain Cancelled, Sports Litig. Alert, (co-authored with Joshua Schiller) (August 2015)

Note, The Bankruptcy Hegemon, 31 Cardozo L. Rev. 905 (2010)

Uses and Implications of Government Reports, Litig., Summer 2016, at 27.

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