



McKool Smith  
One Bryant Park  
47th Floor  
New York, NY 10036  
Tel: 212.402.9404  
Fax: 212.402.9444

#### EDUCATION

- J.D., magna cum laude, New York Law School, 1997. National Dean's List. Milton S. Gould Award for Excellence in the Law of Contracts. Teaching Fellowship Recipient. Editor, New York Law School Journal of International and Comparative Law.
- B.A., English and Criminology, cum laude, University of Toronto, Ontario, 1993. Dean's List. Panhellenic Scholarship for Community Service/Academic Excellence.

#### COURT ADMISSIONS

- State of New York
- The U.S. District Courts for the Southern and Eastern Districts of New York

#### BAR ADMISSIONS

- New York
- Massachusetts
- District of Columbia

## ANN SCHOFIELD BAKER

### PRINCIPAL

Ann Schofield Baker is a Principal in McKool Smith's New York office, where she is the head of the firm's national trademark litigation practice. In addition to her specialty in intellectual property litigation, Ms. Schofield Baker has a diverse practice that includes the prosecution and defense of a wide variety of complex commercial disputes. In the arena of litigation, she has represented clients throughout all phases of litigation, including jury and bench trials, and has also represented clients in various arbitration ADR proceedings under the auspices of the American Arbitration Association.

Ms. Schofield Baker maintains an active *pro bono* practice, and has received acclaim from CBS's *60 Minutes*, *The Washington Post*, *CBS News*, *NPR*, and *The Globe and Mail* for her tireless work to win asylum for a victimized woman from Somalia. She has been a commentator on Court TV with respect to trial and trademark litigation matters, and she has also appeared as a panelist on the CBC's "*Money Weekly*."

She is admitted to the New York, Washington, D.C. and Massachusetts bars, and to the Federal District Courts in the Southern and Eastern Districts of New York.

#### REPRESENTATIVE MATTERS

**Marcel Fashion Group d/b/a GET LUCKY.** Lead trial counsel representing all defendants/counterclaim-plaintiffs against Lucky Brand Dungarees, Inc. and Liz Claiborne, Inc. in a trademark infringement, counterfeiting, unfair competition and dilution lawsuit over the use of Marcel's federally registered trademark, GET LUCKY on apparel. After a six-day jury trial in the Southern District of New York, the jury returned a complete victory for defendants on their counterclaims, rejected all of Lucky Brand's claims, and awarded punitive damages which are highly unusual in trademark cases. The case has been covered by the *New York Law Journal*, *Women's Wear Daily*, *The American Lawyer*, *The Associated Press*, *Law360.com*, and others.

**Avaya, Inc.** Lead trial counsel representing Avaya, a global leader in the enterprise communications market, in various trademark related matters.

**Wi-LAN, Inc.** Represented Wi-LAN, Inc., a Canadian company that developed high speed wireless data technology, in a major patent infringement litigation in the Eastern District of Texas against leaders in the laptop, router, semiconductor and hand-held device industries.

**Prior to Joining McKool Smith:**

**Jordache, Ltd.** Represented Jordache, Ltd. and United States Polo Association, Ltd. (“Jordache”) at a three-week jury trial against a trademark infringement, unfair competition and dilution law suit brought by Polo Ralph Lauren over Jordache’s use of “United States Polo Association” trademarks on a line of clothing and accessories;

**V&S Vin & Sprit AB.** Represented V&S Vin & Sprit AB, the owner of the famous trademark ABSOLUT for premium vodka and other goods and services, to bring a preliminary injunction action for trademark infringement action against the publishers of "Absolute" magazine;

**Nike, Inc.** Represented Nike, Inc.’s exclusive intellectual property rights in its famous Air Jordan sneakers;

**American Express.** Represented American Express to protect its trademark rights to the “My Life My Card” advertising campaign;

**Jordache Enterprises, Inc.** Represented Jordache Enterprises, Inc. against a trademark litigation brought by Levi Strauss & Co. over the alleged infringement of Levi’s back pocket stitch design;

**Twentieth Century Fox Film Corporation.** Represented Twentieth Century Fox Film Corporation in a litigation in the Southern District of New York to protect its intellectual property rights in the film "Dodgeball: A True Underdog Story;"

**IDT Entertainment Inc. and Anchor Bay Entertainment.** Represented IDT Entertainment Inc. and Anchor Bay Entertainment in various preliminary injunction proceedings to protect their rights to distribute the “Thomas the Tank Engine” children’s television series;

**James Frey.** Represented author James Frey in various lawsuits over his book, "A Million Little Pieces;"

**Drugstore.com Inc.** Represented Drugstore.com Inc. at trial against the New Jersey Division of Taxation to defend the company's internet tax structure;

**FUBU and GTFM, L.L.C.** Represented FUBU and GTFM, L.L.C. in a suit with a former model over the use of her likeness in advertising;

**Active People.** Represented Active People, a toy manufacturer to secure an ex parte temporary restraining order and seizure order to confiscate counterfeit toys from the International Toy Fair at the Javits Center in New York City.

**PROFESSIONAL ACTIVITIES**

Board of Directors of the Canadian Association of New York ("CANY");Chairman of CANY's annual charity gala;The Maple Leaf Ball;Board of Advisors of the Micro Museum.

## **AWARDS & RECOGNITION**

Featured in New York Magazine's New York's Women Leaders in the Law.

## **ARTICLES**

“What is a Trademark Anyway? Trademark 101,” co-authored with Christopher Bovenkamp, *The Advocate* - State Bar of Texas Litigation Section Report, Intellectual Property Litigation, Winter 2008.