



# Hugh J. Marbury

Co-Chair, Copyright Practice

Washington, D.C.

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## Practice Areas

- Intellectual Property
- Artificial Intelligence
- Copyright & Content
- Commercial Litigation
- International Arbitration
- Unmanned Aircraft Systems (UAS) / Drones

## Industry Sectors

- Hospitality
- Sports

## Education

- Vanderbilt University Law School, J.D., 1995
- Pomona College, B.A., 1991

## Bar Admissions

- District of Columbia
- Maryland
- New York

## Court Admissions

- District of Columbia Court of Appeals
- Supreme Court of the United States
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the Southern District of New York

## Affiliations

Board of Advisors - The Common Crawl Foundation

Board of Directors - Eudowood Foundation, Johns Hopkins Hospital

Charter Member - American Law Institute

Board of Directors - Living Classroom National Capital Region

Member - Spriggs Farm Preservation Foundation, Inc.

Appointed to the Patent Rules subcommittee

Hugh focuses his practice on business and intellectual property litigation. His business litigation practice focuses on complex financial transactions and commercial disputes across multiple sectors, primarily in Delaware. His intellectual property litigation practice includes patent, trademark, copyright, and trade secret litigation in diverse technological areas across many industries. Hugh has more than two decades of experience utilizing his considerable knowledge to counsel clients in a wide variety of industries on critical challenges facing their businesses. With a broad range of experience in complex issues, he offers his clients a nuanced perspective on the convergence of technology, business, and law. He dispenses C-suite level guidance to large corporations confronting complicated and difficult challenges, including bet-the-company matters. He has represented a variety of clients, from corporations and professional sports franchises to investor groups and high net worth individuals, in disputes valued at more than \$4 billion. He has tried cases in federal court and has extensive arbitration and mediation experience. Hugh also obtained a secret clearance with the United States government as a result of some of his engagements.

In 2009, Hugh was elected to the American Law Institute, where he has been an active member, working on Restatement of the Law, Copyright and Restatement of the Law, Torts: Defamation and Privacy. In 2024, Hugh briefed the White House Office of Science and Technology Policy on artificial intelligence and large language model (LLM) issues.

Hugh earned his bachelor's degree from Pomona College where he played varsity baseball. Hugh earned his law degree from Vanderbilt University Law School. In 2011, Hugh participated in the Harvard Business School Law Leadership Program.

## Representative Technologies:

- Night vision goggles containing microchannel electron magnifiers
- E911 and location based services for wireless handsets
- Relational databases of bovine genome biomarkers
- Digital encryption for satellite TV reception and billing platforms
- Steroid report for Major League Baseball with Senator George Mitchell
- RSV-resistant monoclonal antibody technology
- Uncrewed aircraft systems (UAS) supporting loitering munitions for U.S. Special Forces
- Laser-guided, ultra-high pressure (UHP) robots for use in automobile manufacturing
- Electronic countermeasure systems (IDECM) defending F/A-18 aircraft

## Experience

### Business Disputes

- Represented cryptocurrency entrepreneur in an expedited Section 225 of the DGCL action for control over several related Delaware corporations in Delaware Chancery Court.
- Represented the founder and chief executive officer of an aerospace defense manufacturer of Uncrewed Aircraft Systems (UAS) before the Delaware Court of Chancery in an \$40 million earnout

## Hugh J. Marbury

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for the US District Court for the District of Maryland

#### Awards & Honors

- Maryland Super Lawyer for Intellectual Property litigation, 2009-Present
- *Best Lawyers in America* for Arbitration, Commercial Litigation, and Mass Tort/Class Action 2013-Present
- Capital Pro Bono Honor Roll, 2023
- *Baltimore's Best Lawyers*
- IP Star and Patent and Trademark Star by *Managing IP*

dispute following the company's sale.

- Represented a Maryland-based holding company in a \$900,000 earn out dispute in the Court of Chancery in Delaware.
- Represented a major healthcare company in a valuation dispute over a US\$50 million earn-out payment.
- Represented the seller of a medical device technology company in a US\$9 million escrow dispute in the Court of Chancery in Delaware.
- Represented the seller of a financial services technology company to an American stock exchange concerning a US\$9 million escrow claim relating to sales and use taxes.
- Represented the seller of an integrated lighting control and energy management company to a large multi-national lighting business over a US\$7.5 million escrow dispute.
- Represented the seller of a global contract research organization concerning a US\$20 million escrow dispute in the Delaware Court of Chancery private arbitration program.
- Represented a major telecommunications company in a consumer protection investigation by the Maryland AG's Office, related proceedings before the Maryland Office of Administrative Hearings, and subsequent appeals to the Circuit Court for Baltimore City and the Maryland Appellate Court.
- Represented a nationwide car wash franchise in a multi-million dollar indemnity dispute in the U.S. District Court for the District of Maryland relating to the purchase of two car washes.
- Represented a manufacturer of lithium-ion batteries in a US\$750 million fraud lawsuit in the US District Court for Maryland.
- Represented a major global media intelligence company in defense of a US\$90 million claim for alleged violations of the Federal Communications Act, 47 USC § 605(a), and the Electronic Communications Privacy Act, 18 USC § 2511, brought by a large direct broadcast satellite company.
- Represented a leading medical informatics solutions company in US\$160 million commercial arbitration concerning breach of contract by a large Medicare Advantage health plan.
- Represented a major international defense contractor in defense of US\$500 million defamation, tortious interference, and false light claims before courts in Maryland, the District of Columbia and New Jersey in connection with a failed multibillion-dollar toll highway project in Algeria.
- Assisted Senator George J. Mitchell in conducting an independent investigation concerning the alleged illegal use of performance-enhancing substances in Major League Baseball.
- Represented a major international defense contractor in defense of a US\$50 million claim in commercial arbitration concerning an engineering design services contract for power supplies for the CATV industry.
- Represented a major international defense contractor in commercial arbitration concerning airborne radar jamming systems used by the US Navy and certain foreign governments.
- Represented a leading medical informatics solutions company in a multimillion-dollar customer dispute over Medicaid and Medicare reimbursements.
- Represented a major international hospitality company in the United States Bankruptcy Court in New York involving allegations of breach of contract, breach of fiduciary duty, fraud and antitrust claims

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brought by a hotel owner.

- Represented a major national retailer in a multi-state attorney's general investigation into the sale of tobacco products to minors.
- Represented a major international hospitality company in the US District Courts for Massachusetts and Maryland involving allegations of unfair competition, fraud, conversion and violations of the Robinson-Patman Act concerning the operation and management of a Boston-area hotel.
- Represented a major telecommunications company in disputes arising out of the US\$1.75 billion divestiture of its Internet business.
- Represented a major telecommunications company in the US Bankruptcy Court for the Southern District of New York defending US\$576 million in claims relating to the design, installation, and maintenance of the New Jersey E-Z Pass system.

### ***Intellectual Property and Technology***

- Represented a nationwide car wash franchise in a trademark and unfair competition lawsuit in the US District Court for Maryland.
- Represented large national transportation consortium in a \$10 million software ownership dispute for the management and repair of trucking fleets at U.S. ports.
- Represented a large international manufacturer of Laser-guided, Ultra-High Pressure (UHP) robots in multi-million dollar fraud and breach of contract dispute in the U.S. District Court for the Western District of Texas (Austin).
- Represented a large international pharmaceutical company in a \$400 million, three arbitrator, international arbitration concerning royalty disputes for an injectable product for treating cellulite.
- Represented six Major League Baseball teams and 12 associated coaches in a \$100 million trade secret case in Florida state court relating to methods for pitching a baseball.
- Represented a large international pharmaceutical company in a \$25 million international arbitration concerning patent royalty disputes and patent misuse allegations for a transdermal gel testosterone product.
- Represented the world's largest hospitality company in a copyright infringement case in the Western District of Texas concerning allegedly infringing activity in St. Kitts and Nevis.
- Represented financier in an international arbitration dispute over movie production and IP rights for a filming project in Romania and Malta, resulting in a \$10 million claim.
- Represented Aeroovel, an unmanned aircraft system developer, in its sale to Airbus, a multinational aerospace corporation. This transaction drew on the experience of the firm's corporate; antitrust; transportation and trade; tax; technology, privacy, and data security; and intellectual property attorneys.
- Represented a multinational software and information technology company in a multi-million dollar software copyright case in the U.S. District Court for the District of Delaware.
- Represented an international technology company in a US\$500 million patent infringement and breach of contract case in the US District Court for the Southern District of New York relating to glassless 3D television technology.

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- Represented a multinational software and information technology business in a software patent infringement case in the US District Court for the Eastern District of Texas.
- Represented a multinational software and information technology business in a US\$10 million lawsuit concerning a failed software migration project.
- Represented a large national software and information solutions company in a US\$6 million dispute with a defense contractor over an unsuccessful software implementation project.
- Represented a beef cattle company in an intellectual property licensing dispute concerning the use of predictive DNA-based markers in the genetic testing of cattle.
- Represented a wireless data communications technology company in an IP licensing dispute in the US District Court for the Southern District of New York.
- Represented an international brand-name pharmaceutical company in patent litigation in Texas against two ANDA applicants for psoriasis medication.
- Represented a wireless data communications technology solutions company in parallel federal court and commercial arbitration proceedings in defense of claims relating to E-911 and Location Based Services utilizing the Global Positioning Systems for wireless handsets.
- Represented a leading provider of enterprise e-learning solutions in a patent infringement case in the US District Court for Maryland concerning the validity and enforceability of an e-learning patent.
- Represented a global consulting firm in a multimillion-dollar software licensing dispute with a major international software company.
- Represented an international architecture, engineering, and planning firm in a patent infringement case in the US District Court for the District of Maryland concerning cooling products for electrical equipment.
- Represented a major international hospitality company in a patent infringement case in the US District Court for the Southern District of New York concerning high-speed Internet service.
- Represented a large Japanese technology company in an expedited international arbitration over patent licensing agreements for wireless handset technology.
- Represented a large e-content provider in a copyright and breach of contract dispute in the US District Court for Maryland concerning e-audiobooks.
- Represented a Canadian technology company and its American subsidiary in a patent infringement case in the US District Court for the District of Maryland concerning telecommunications testing equipment.
- Represented a major power tools manufacturer in a patent infringement action brought against foreign manufacturers and importers of laser-aligned power tools.
- Represented a foreign manufacturer and a US importer of pipe bending machines in defense of a patent and trade dress infringement action in the US District Court for Maryland.
- Represented a digital satellite television service provider in patent infringement action in the US District Court for Delaware involving patents describing methods for billing and encrypting television signals.
- Represented an Internet company in a patent infringement action in the US District Court for the

Eastern District of Virginia involving a patent for fantasy football games.

- Represented nine defendants in a patent infringement action in the US District Court for Maryland involving patents for nutritional supplement products for the growth and/or regeneration of cartilage.
- Represented a major international defense contractor in litigation in the US District Court for the District of Columbia concerning two patents for microchannel electron magnifiers for use in night vision goggles.