

# J. Alexander Hershey

## Member

**J. Alexander Hershey** assists clients with commercial and legal issues through business planning, negotiations, and litigation.

Alex serves clients primarily in unfair competition matters, in a wide range of industries, including intellectual property protection, antitrust and distribution risks, and disputes regarding fraud, contract breach, or other commercial wrongdoing. Alex helps clients resolve these issues by partnering with clients to develop strategies, negotiate with counterparties and, where necessary, litigate to secure a favorable result and achieve the client's commercial goals.

Alex assists clients in protecting and litigating intellectual property rights, including trademark and false advertising claims, copyright infringement claims, and efforts to enforce patent rights. In addition, Alex counsels clients with respect to antitrust law and protections, the antitrust implications of mergers and acquisitions, and the legality of pricing, distribution, and supply arrangements. Finally, Alex addresses broad contract and commercial issues, including with respect to distribution and services contracts, license and confidentiality agreements, warranty and product liability matters, and fraud, misrepresentation, fiduciary breaches, and professional negligence. In these areas of practice, Alex represents clients in matters brought under state and federal statutes, including the Sherman and Clayton Acts, Lanham, Copyright and Patent Acts, federal Securities Acts, state unfair trade practices statutes, and the DTSA, RICO, ERISA, DMCA, CFAA, and ECPA statutes.

Alex provides practical and accurate advice as to the legal ramifications of business conduct. Alex also provides trusted advice and counsel through consultations and negotiations to avoid formal disputes and, when necessary, provides aggressive litigation services. Alex strives to help clients avoid and resolve issues and disputes efficiently and to guide clients to the best available outcome.

### Experience:

- Represent clothing retailer in international trademark infringement and concurrent use litigation.
- Represent sporting goods manufacture in trademark infringement and shareholder control litigation.
- Represent participating employer in pension plan withdrawal liability and wrongful expulsion litigation.
- Represent both buyers and sellers in separate post-acquisition net working capital and escrow claim disputes.
- Prevailed for multiple retailers in the resolution of trademark opposition proceedings and related enforcement litigation.
- Favorably resolved false advertising, NAD, and potential FTC claims asserted against online food retailer.
- Prevailed for raw materials supplier to steel and related industries in multi-million dollar supply contract arbitration victory.
- Prevailed in defeating bad faith insurance practices claim asserted through multiple trials and appeals.
- Favorably resolved support agreement breach litigation asserted against network implementation services provider.
- Favorably resolved software misappropriation claims asserted against manufacturer of materials processing equipment.
- Favorably resolved private securities fraud, misrepresentation, and fiduciary duty claims asserted by clients against sellers.
- Favorably resolved legal malpractice action brought against multiple firms, including large international law firm client.
- Prevailed on jurisdictional and sovereign immunity defenses of judgment enforcement proceedings against Chinese corporation.
- Represented issuer's counsel in defense of multi-million dollar securities fraud and related claims.
- Represent consumer and industrial products manufacturers in defense of warranty and product liability litigation.
- Represent clients in the court enforcement of non-compete agreements and related protection of proprietary information.
- Advise manufacturing, production, and distribution entities on merger, pricing, distribution, and related antitrust issues.
- Assist online distributor of construction products and buildings in enforcement of non-compete agreements and protections.



## Office

Pittsburgh

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## Education

J.D., with Honors, George Washington University Law School, Washington DC, 1999, Notes Editor, The George Washington Law Review

B.A., Oberlin College, Oberlin, Ohio, 1994, Politics and Philosophy, Highest Honors in Politics for Thesis and for Written and Oral Honors Examination

## State Bar Licenses

Pennsylvania

District of Columbia

## Court Admissions

U.S. District Ct., W.D. of Pennsylvania

U.S. Court of Appeals, 3rd Circuit

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- Advise financial industry consulting firm in service contracts, start-up development, and general counsel services.
  - Assist clients in the negotiation, drafting, and implementation of SaaS agreements and enterprise software licenses.
  - Manage United States trademark registration portfolios of multiple retail, service, and consumer products providers.

## Practices, Industries & Services

Automotive & Manufacturing  
Corporate Restructuring & Bankruptcy  
Cybersecurity, Data Protection & Privacy  
Healthcare  
Intellectual Property & Technology  
Litigation

## Areas of Emphasis

Antitrust and Trade Regulation  
Equipment Leasing  
Managed Care Litigation  
Trade Secret Protection

## Memberships

- Allegheny County Bar Association
- American Bar Association
- Board Member, Neighborhood Legal Services Association
- Volunteer Lawyers for the Arts, Greater Pittsburgh Arts Council
- Volunteer Attorney, HELP Program (Homeless Legal Protection)

## Honors

- Pennsylvania Super Lawyers, Rising Star, 2006, 2011, 2012

## Presentations

- Presenter, "Advanced Piercing the Corporate Veil," Pennsylvania Bar Institute, September 2018
- Presenter, "Litigating Breach of Contract Actions, Forum Selection and Settlement Efforts," Pennsylvania Bar Institute, July 2015
- Presenter, "eDiscovery Symposium – Data Breaches – Privacy and Liability," Pennsylvania Bar Institute, April 17, 2015
- Presenter, "The Role of Computer Forensics in Data Breach Response," The Cyril H. Wecht Institute of Forensic Science and Law, Duquesne University, March 21, 2014
- Presenter and Course Planner, "Drafting to Avoid or Win Litigation / Litigating Breach of Contract Actions," Pennsylvania Bar Institute, July 30, 2013
- Presenter, "Trade Secret Theft Is More Common Than You Think: What a Business Needs To Do To Protect Itself," TRA Seminar, March 2012
- "E-Commerce: Legal and Practical Issues," Pennsylvania Bar Institute Seminar, December 2010
- Presenter, Mock Preliminary Injunction Hearing, 25th Annual ABA Intellectual Property Law Conference, April 10, 2010
- Presenter, "Mitigating Legal Risk in a Recovering Economy," Financial Executives Institute, Pittsburgh Chapter Meeting, Technical Session, April 8, 2010
- Presenter, "The Fundamentals for Protecting Your Competitive Edge: Using Intellectual Property Law To Protect Your Company's Assets And Fend Off Your Competition," TRA Seminar, March 2010
- Moderator, Local Rule 56.1 - The Judges Speak Out, The Federal Court Section Council of the Allegheny County Bar Association, April 24, 2008