



## Jeffrey A. Cohen

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**Jeffrey A. Cohen** serves as Chair of the firm's Litigation Department. He counsels clients in complex litigation disputes and provides guidance to proactively address business formation and transaction issues. He has spent over 23 years helping clients anticipate, address and resolve the day-to-day challenges and pragmatic decisions facing today's businesses. A trial lawyer by trade, Mr. Cohen works with businesses to ensure partnerships are intact as well as to identify potential risks and pitfalls associated with its evolution. He collaborates with a diverse range of clients in matters related to commercial contracts, shareholder and partnership agreements, trademarks, copyrights, patents, including Hatch-Waxman, insurance coverage, franchise disputes and commercial construction.

Prior to joining Flaster Greenberg, he served as in-house counsel for two national insurance companies and worked at an AmLaw 100 firm, experience lending strength to his track record in arbitrations, bench and jury trials, contract and settlement negotiations, and all aspects of discovery in state, federal and appellate courts. He has represented clients in matters including:

- Shareholder and partnership disputes
- Hostile Takeover, Shareholder Oppression and Minority Drag-Along disputes
- Commercial contract disputes
- Commercial loan, insurance, bond and surety disputes
- Copyright infringement involving national and local contractors and builders
- Infringement of jewelry designs of a jewelry manufacturer and designer
- Franchise litigation and alternative dispute resolution proceedings regarding breaches of franchise agreement, obligations to modernize and upgrade facilities consistent with franchise policies and procedures and franchisor/franchisee rights of use and ownership of intellectual property, including trademarks and copyrights
- Hatch-Waxman/ANDA litigation involving pharmaceutical developers and manufacturers, including:

### Practice Areas

Cannabis Law

Litigation

Business and Corporate Law

Intellectual Property Law

Environmental Law

Real Estate and Land Use Law

### Industry Groups

Alternative and Renewable Energy

Sports Law

### Admissions

New Jersey

New York

Pennsylvania

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

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- In Re: Desloratadine Patent Litigation - MDL1851
- Otsuka Pharmaceutical Co., Ltd. v. Sandoz, Inc., et al (aripiprazole)
- Sanofi-Aventis U.S., LLC v. Sandoz, Inc., et al (oxaliplatin)
- Sepracor, Inc. v. Teva Pharmaceuticals USA, Inc., et al (eszopiclone)
- Trademark infringement for retailers and builders
- Defense of copyrights for a music production and development company

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

Mr. Cohen has also been active in the formulation of federal and state policy as well as legislative initiatives in New Jersey, Pennsylvania and Washington, DC. He has served on the Advisory Board of the South Jersey Pharmaceutical and Medical Technology Industry Alliance (SJPMTIA), and was a featured panelist with CEOs, Chamber presidents and former governors at a SJPMTIA Conference dealing with the intellectual property and litigation avoidance issues involving "What it Takes to Attract a Pharmaceutical, High Tech or R&D Firm to Our Region," held at Rowan University.

### Education

- University of Pittsburgh School of Law, J.D.
- Vice President, Environmental Law Council
- President, Sports and Entertainment Law Society
- University of Michigan, B.A.

Mr. Cohen appears on the **610 ESPN Philadelphia radio show Heart of Sports** every Friday from 5 – 6 PM to discuss legal issues in professional and amateur sports, including the application of antitrust laws. He also recently presented, as a faculty member, for the National Business Institute at a full day event regarding LLC Operating Agreements. He served as the lead faculty member and presenter regarding trends in LLC litigation and litigation prevention techniques, as well as key trends.

### REPRESENTATIVE MATTERS

- Defense of Fortune 100 company officer against multiple class action lawsuits and civil action by SEC alleging securities fraud; avoided criminal prosecution for client and settled civil suits for no liability and no payment
- Represented a jewelry manufacture and design company in federal court action for infringement of its copyright designs, resulting in an award of approximately \$1 million
- Representing national and international franchises in disputes over enforcement of terms of modernization and termination of franchise agreement
- Successfully represented a construction company in an insurance coverage dispute that arose in the aftermath of a construction crane accident
- Represented a real estate development company regarding infringement of architectural design copyrights
- Represented a music producer regarding infringement of music copyrights
- Representing a corporation against an international union involving negotiation of a severance agreement and employee benefits payments

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- Served as lead counsel in antitrust case in Texas where the jury found Noerr-Pennington Doctrine as ruling grounds for immunization
- Representing corporations maintaining the right to their trademarks
- Representing corporations, including pharmaceutical manufacturers, in the enforcement of patents and claims of patent infringement
- Representing individuals and corporations in environmental litigation, including claims of soil contamination, and in disputes regarding state and federal environmental regulations
- Representing individuals and corporate officers in shareholder disputes, including shareholder oppression
- Representing contractors involved in payment disputes, improper termination from construction projects and appeals of bidding disputes
- Representing national and international sureties in matters concerning payment and performance bond claims
- Represented pharmaceutical manufacturers and developers in Hatch-Waxman/ANDA litigation, including:
  - In Re: Desloratadine Patent Litigation
  - Otsuka Pharmaceutical Co., Ltd. v. Sandoz, Inc., et al (aripiprazole)
  - Sanofi-Aventis U.S., LLC v. Sandoz, Inc., et al (oxaliplatin)
  - Sepracor, Inc. v. Teva Pharmaceuticals USA, Inc., et al (eszopiclone)
  - In Re: Armodafinil Patent Litigation

#### **HONORS & AWARDS**

- Named to the Top Business Attorneys List - Litigation, *South Jersey Biz* magazine, 2019
- Named to the Top Attorney List - Sports, *SJ Magazine*, 2019
- Named to the Top Attorney List - Commercial, *SJ Magazine*, 2017
- Named a New Jersey "Super Lawyer," 2006 and 2007, by Thomson Reuters, publishers of *New Jersey Super Lawyers*

*A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

#### **PROFESSIONAL AFFILIATIONS**

- American Bar Association
  - Tort/Insurance Section
- Camden County Bar Association
- Commercial and Federal Litigation Committee
  - Member
- Commercial Litigation Practice Committee
- Civil Practice Committee
  - Board of Directors

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- Forum on the Construction Industry
- John Lifland American Inn of Court for Intellectual Property/Federal Practice
- New Jersey State Bar Association
- New York State Bar Association
- Pennsylvania Bar Association
  - Civil Litigation Committee
- Chamber of Commerce Southern New Jersey
  - State Affairs Committee

### **COMMUNITY ACTIVITIES**

Mr. Cohen served on the Board of Directors for CADE (Corporate Alliance for Drug Education), a community based nonprofit organization providing counselors to inner city schools and has served on the Philadelphia Leadership Council of the American Israel Public Affairs.

### **ARTICLES & ALERTS**

Litigation Newsletter - June 2020

*Newsletter* (June 30, 2020)

Local attorney sleeps on streets to raise awareness of homelessness

*Jewish Community Voice* (January 3, 2019)

Stairway to Retrial: 9th Circuit Court of Appeals Cites Error in Led Zeppelin Infringement Ruling

*Flaster Greenberg Law Blog* (October 10, 2018)

Lana Del Rey May Have Creeped too Close to Radiohead's Melody, Copyright Infringement Suit Nears

*Flaster Greenberg Blog* (January 9, 2018)

SCOTUS Reshapes Lanham Act: The Slants, the Washington Redskins and Those Seeking to Register Subjectively Offensive Trademarks Celebrate

*Legal Alert* (June 20, 2017)

SCOTUS Gives Potion to Innovators to Vanquish Patent Trolls

*Legal Alert* (June 24, 2016)

Hey Candidate, You Can't Always Use What You Want!

*Flaster Greenberg Blog* (May 24, 2016)

Protecting Copyrights to Architectural Works

*The Legal Intelligencer* (December 10, 2007)