



Gregory J. Krabacher

Partner & Data Privacy/IP Practice Group Chair



Greg Krabacher is a partner and chair of the firm's Intellectual Property and Privacy and Data Protection groups. His practice spans a wide range of intellectual property, information technology, privacy and data protection matters, including counseling, registration, compliance, transactions and litigation.

A registered patent attorney, Greg's intellectual property (IP) and information technology (IT) transactional practice includes:

- Trademark portfolio management, predominantly in the U.S. but also Canada, Mexico, UK, the EU and China, including pre-filing clearance, filing strategy, prosecution, maintenance and monitoring; TTAB, UDRP and social media enforcement; co-existence agreements; infringement investigation and resolution; advertising and sweepstakes review.
- Licensing, assignments and corporate transaction due diligence involving patents, copyrights, trademarks and trade secrets; service contracts, primarily involving information technology.
- Copyright prosecution, fair use and ownership rights counseling and policies, infringement counseling, dispute resolution and online enforcement via the DMCA and social media platforms.
- Patent prosecution, analysis and pre-filing counseling including patentability, right to use, non-infringement and landscape analysis for software, information technology and mechanical devices.

A certified Information Privacy Professional (CIPP/US and CIPP/E), Greg's privacy and data protection practice includes:

- Website privacy policies; negotiation of privacy and security terms of information technology service agreements; data processing agreements; counseling on compliance with U.S., state, federal and foreign privacy laws including GDPR, CCPA (and other current California laws) and Ohio S.B. 220.
- Data breach response, investigation and planning; data retention counseling; transactions and disputes.

His litigation practice includes:

- First and second chair litigation counsel for disputes in state and federal courts, predominantly those that involve technology and computer software, infringement of trademarks, trade dress, copyrights, trade secrets, patents, right of publicity, claims of unfair competition or false advertising.
- Representation in arbitrations and mediations, administrative hearings before the U.S. Patent & Trademark Office and arbitrations before ICANN-approved internet domain name dispute resolution organizations.
- E-discovery, including the implementation of litigation plans for preserving, collecting, reviewing and producing electronically stored information.
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CONTACT INFORMATION

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INDUSTRIES & PRACTICES

Intellectual Property
Manufacturing
FinTech (Financial Technology)
Privacy & Data Protection
Business Law

Bar Admissions & Activities

- Member, Ohio State Bar Association Intellectual Property Section



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- Registered, U.S. Patent and Trademark Office
- Certified Information Privacy Professional – United States (CIPP/US)
- Certified Information Privacy Professional – Europe (CIPP/E)
- Admitted, State of Ohio; Federal District Court for the Southern District of Ohio; Federal District Court for the Northern District of Ohio; Sixth Circuit Court of Appeals

Education

- The Ohio State University (J.D., 2005); *Ohio State Law Journal*
- The Ohio State University (B.S., Computer Information Science and Engineering, 1998); Student Government; Sphinx Senior Honorary; Texnikoi Engineering Honorary; The Ohio State University Outstanding Senior Award

Awards & Recognition

- Participant, Tunnell Leadership Development Program, 2019
- Listed, *Ohio Super Lawyers* (Intellectual Property), 2017–2018
- Rising Star, *Ohio Super Lawyers*, 2012–2015
- Graduate, Leadership Columbus, Class of 2015

Presentations & Published Works

- Presenter and Moderator, "Brief Overview of S.B. 273," "Technical Compliance," Bricker & Eckler's Ohio Insurance Cybersecurity Seminar, September 2019
- Presenter, "Privacy and Cybersecurity: Best Practices, Potential Claims to Avoid," Midwest Financial Services Regulatory and Compliance Conference, August 2015
- Presenter, "FRCP Rules Proposal: A Look At The 2015 Rules Package," Columbus Friends of E-Discovery, May 2015
- Presenter, "Where Innovation Intersects Intellectual Property Law," OSBA Capital Conference, November 2014
- Presenter, "License Agreement Litigation: Factors that Trigger Disputes," The Ohio State Bar Association, April 2014
- Presenter, "Negotiating Software Contracts: What Every School Should Know Before Signing on the Dotted Line," Ohio School Boards Association's Cyberlaw Seminar, March 2014

Professional & Community Activities

- Scoutmaster, Troop 166 in Bexley, Ohio; Past Senior Vice President for Membership and Executive Board Member, Simon Kenton Council, Boy Scouts of America, 2016 – 2019



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- Member, International Association of Privacy Professionals (IAPP)

Experience

Election campaign conduct

Represented the Supreme Court of Ohio, including each of its justices, to defend certain provisions of the Code of Judicial Conduct relating to election campaign conduct. The case, involving a candidate who had never before run for office, challenged temporal restrictions on fundraising as well as limitations on public endorsements, public speaking and the like, as violations of his First Amendment Right to free speech.

Document retention policies and procedures

Assisted the Ohio Farm Bureau in developing and implementing a new document retention policy and creating reasonable and tailored procedures to implement the supplied retention policy. The engagement included meeting with department heads to discuss the retention policy, touring the client's physical storage locations and recommending practical steps for implementing the new policy. We also conducted two on-site training sessions for staff once the policy was finalized.

Negotiation of a \$1 billion electricity supply contract

The Northeast Ohio Public Energy Council (NOPEC) is the largest public retail energy aggregation in Ohio, serving about 900,000 electric and gas customers across 14 counties. NOPEC's electric supplier abruptly notified NOPEC that it was terminating its contract, thus leaving NOPEC's nearly half-million electric customers to return to utility service at higher rates. Bricker attorneys sprang into action to prevent NOPEC's customers from paying these increased rates. The team negotiated a new complex electricity supply contract with NOPEC's replacement supplier (worth approximately \$1 billion); and, within 10 days, our client had signed a new three-year contract. With our assistance, NOPEC obtained two waivers from the PUCO to meet the expedited enrollment timeline. Meanwhile, within two weeks, our litigation team settled a TRO and injunction case involving the original supplier, which resulted in a multi-million-dollar settlement payment to NOPEC. In addition, our energy litigation team dissolved an ex parte TRO issued against NOPEC to a competitor regarding the NOPEC customer enrollment process. We also obtained a complete dismissal of the competitor's lawsuit on the basis that the PUCO had exclusive jurisdiction over the matter.

Management services organization development

Served as lead counsel to an Ohio-based health network in developing a unique physician-led management services organization (MSO) providing day-to-day operation and management of multiple breast health centers. This unique MSO also developed a clinically integrated incentive strategy within the network of primary care and OB-GYN physicians to implement a physician-designed evidence-based patient protocol to enhance breast health, early detection and prevention in the health network's market area.