



Jack S. Brodsky

Associate

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OVERVIEW

Jack Brodsky is an associate in the firm's Boston office focusing on antitrust, distribution, and complex business litigation matters.

Jack's litigation experience includes high-stakes antitrust and competition cases involving monopolization and restraint of trade issues under the Sherman and Clayton Acts, pricing issues under the Robinson-Patman Act, intellectual property claims, and false advertising disputes. He also has commercial litigation and consumer finance litigation experience. Jack has experience in all phases of complex civil litigation, including drafting pleadings, dispositive motions, and appellate briefs in both state and federal court. Jack also has federal trial experience.

In addition, Jack advises product manufacturers on the design and implementation of distribution and resale price maintenance strategies, focusing on removing unauthorized Internet resellers and limiting online price erosion and gray market disruption. This includes developing customized distribution strategies, such as Unilateral Pricing Policies, Minimum Advertised Price (MAP) Policies, and selective distribution strategies.

Jack also maintains an active pro bono practice helping undocumented children obtain legal status in the United States.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Jack was a summer associate in the firm's Boston office in 2015. During his time at Boston University School of Law, Jack was a judicial intern for the Honorable George A. O'Toole, Jr. of the United States District Court for the District of Massachusetts. Prior to law school, Jack was a legal intern at Dow Jones Financial Information Services in the company's London office.

EDUCATION

- J.D., Boston University School of Law, 2016 (*American Journal of Law and Medicine*)
- B.A., University of Michigan, 2013 (*with Distinction*)

ADMISSIONS

- Bar of Massachusetts
- United States Court of Appeals for the First Circuit
- United States District Court for the District of Massachusetts

THOUGHT LEADERSHIP POWERED BY HUB

- 6 May 2020, COVID-19: Steps Product Manufacturers Can Take to Protect Their Brand as At-Risk Retailers Face Bankruptcy (*Alerts/Updates*)
- 21 April 2020, COVID-19: Attention Massachusetts Mortgagees - New State Legislation Impacting Foreclosure Rights (*Alerts/Updates*)
- 20 April 2020, COVID-19: Price Gouging Enforcement in the United States - Key Considerations (*Alerts/Updates*)
- 25 March 2020, COVID-19: COVID-19 Crisis Increases Risk of Antitrust and Price Gouging Violations: Practical Guidance and Mitigation Strategies (*Alerts/Updates*)
- 3 June 2019, Unilateral Policies Are 99 Years Old And Still the Safest And Most Effective Form of Resale Price Maintenance (*Alerts/Updates*)
- 26 April 2019, Manufacturers Need to Mitigate Risk of Price Bias Claims (*Alerts/Updates*)
- 14 February 2019, "It's Authorization, Stupid": An Authorized Reseller Program, Not a MAP, Is Your Best Weapon to Fight Unauthorized Internet Resellers (*Alerts/Updates*)
- 11 October 2018, Yutai Seeks Clarity from Chinese High Court on Resale Price Maintenance Divergence (*Alerts/Updates*)
- 7 June 2018, Resale Price Maintenance in China: One Country, Two Systems (*Alerts/Updates*)
- 14 February 2018, Disfavored Retailers Turning Up the Volume on Robinson-Patman Litigation (*Alerts/Updates*)
- 31 January 2018, Cryptocurrency 2018: When The Law Catches Up With Game-Changing Technology (*BlogPost*)
- 30 January 2018, Cryptocurrency 2018: When The Law Catches Up With Game-Changing Technology (*Alerts/Updates*)

OTHER PUBLICATIONS

- "Mitigating Antitrust Risks With DOJ-FTC Pandemic Guidance," *Law360*, 31 March 2020
- "Resale Price Maintenance Policies A Century After Colgate," *Law360*, 30 May 2019

- “Manufacturers Need To Mitigate Risk Of Price Bias Claims,” *Law360*, 12 April 2019
- “Resale Price Maintenance in China: One Country, Two Systems,” *LexisNexis*, 19 June 2018
- “Disfavored Retailers Turn Up Volume On Robinson-Patman,” *Law360*, 20 February 2018
- Jack Brodsky, Note, *The Health of eBay: The Impact of eBay on the Future of TRIPS-Like Pharmaceutical Compulsory Licenses in the United States*, 41 AM. J.L. & MED. 656-79 (2015).

NEWS & EVENTS

- August 2020, K&L Gates Lawyers Provide Insights on Impact of COVID-19 Across Various Industries (*Media Mention*)

AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- Complex Commercial Litigation and Disputes
- Financial Institutions and Services Litigation
- IP Litigation
- Payments, Banking Regulation, and Consumer Financial Services

REPRESENTATIVE EXPERIENCE

- *Roxul USA, Inc. v. Armstrong World Industries, Inc.*, Delaware, Federal District Court: Represented Roxul Inc., the North American division of the world’s largest stone wool manufacturer, in civil antitrust litigation involving unfair competition and monopolization claims. Case resulted in a Confidential Settlement.
- *Epson America, Inc. v. Curtis International Ltd, et al.*, California, Federal District Court: Representing Epson America, Inc. in civil antitrust litigation involving false advertising in the consumer projector market.
- *Wayne Mitchell v. US Bank Nat'l Assoc.*, Massachusetts, State Court of Appeals: Represented US Bank in mortgage lending dispute. Achieved favorable trial verdict, and successfully defended verdict in Massachusetts State Court of Appeals.
- *GN Netcom, Inc. v. Plantronics, Inc.*, Delaware, Federal District Court: Represented GN Netcom, Inc., a Danish-based global technology manufacturer, through trial in civil antitrust litigation involving unfair competition and monopolization claims under the Sherman Act and the Clayton Act. Obtained \$5 million sanction and adverse inference for defendant’s spoliation of evidence pre-trial. Unfavorable jury verdict reversed by Third Circuit, now pending re-trial.
- *Security Data Supply, LLC, et al. v. Nortek Security and Control LLC, et al.*, Texas, Federal District Court: Representing defendant Nortek Security and Control, LLC in civil antitrust litigation alleging claims of price

discrimination under the Robinson-Patman Act, tortious interference, corporate bribery, and unfair competition.

- Representing Nutramax Laboratories, Inc. in international arbitration involving breach of contract claims.
- Representing Chicago Bridge & Iron in international arbitration involving breach of contract claims.