



Morgan T. Nickerson

Partner

Boston

+1.617.261.3134

morgan.nickerson@klgates.com

OVERVIEW

Morgan Nickerson is a partner in the Boston office and a member of the firm's Antitrust, Competition, and Trade Regulation and Intellectual Property teams. His practice focuses on a wide array of antitrust and intellectual property matters with a focus on the protection of global distribution programs through suppression of gray market and counterfeit activities. His litigation experience includes over 250 cases with the majority involving high-stakes competition, monopolization and attempted monopolization, intellectual property, comparative advertising, and importation and exportation disputes.

In addition to his extensive litigation experience, Morgan advises luxury goods manufacturers on resale price maintenance strategies designed to limit online price erosion, global pricing arbitrage opportunities, and brand dilution. This includes antitrust counseling and implementation of Unilateral Pricing Policies, Minimum Advertised Price (MAP) policies, and selective distribution strategies in North America, Europe, and Asia

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Mr. Nickerson was a partner at a national law firm.

ACHIEVEMENTS

- Named Top Antitrust Lawyers by Boston Magazine (2023)
- Named to the Massachusetts Super Lawyers list in Intellectual Property Litigation (2018)
- Named to the Rising Stars list (2011-2017)

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Intellectual Property and Antitrust section
- Boston Bar Association, Intellectual Property and Antitrust section

EDUCATION

- J.D., Suffolk University Law School, 2006 (*Moot Court Honor Board, Journal of Trial and Appellate Advocacy*)
- B.S., University of Massachusetts at Amherst, 2000

ADMISSIONS

- Bar of Maine
- Bar of Massachusetts
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the First Circuit
- United States District Court for the District of Maine
- United States District Court for the District of Massachusetts
- United States District Court for the Northern District of Florida

THOUGHT LEADERSHIP POWERED BY HUB

- 24 January 2024, Unprecedented Maine Supreme Court Reversal - A Huge Win for Maine Mortgage Lenders
- 20 September 2023, Ninth Circuit Finds That Costco Is Not Just a Retailer, but Actively Competes With Wholesalers With Respect to Robinson-Patman Price Discrimination Claims
- 2 June 2023, FTC to Scrutinize Commercial Use of Biometric Information Moving Forward
- 23 September 2021, Combatting the Rise in False Advertising by White-Label Manufacturers on the Internet
- 17 May 2021, Resale Price Maintenance May Carry More Risk Than Originally Thought in Canada, Eh?
- 19 January 2021, Manufacturers Must Not be Blind to Their Rights Against Counterfeiters
- 4 May 2020, Supreme Court Raises the Stakes Against Unauthorized Resellers: Willfulness No Longer Required for Manufacturers to Obtain Profits in Trademark Cases
- 19 March 2020, Turning Over a New Leaf: Maine Law Court Provides Path for Foreclosing Entities to Cure Greenleaf Defects with Assignments of Mortgage and Signals That Reconsideration of Greenleaf May Be Warranted
- 3 June 2019, Unilateral Policies Are 99 Years Old And Still the Safest And Most Effective Form of Resale Price Maintenance
- 26 April 2019, Manufacturers Need to Mitigate Risk of Price Bias Claims
- 14 February 2018, Disfavored Retailers Turning Up the Volume on Robinson-Patman Litigation

- 2 June 2016, Behind the Curtain: Technical Advisors in Complex Litigation
- 4 April 2016, Mortgage Lenders, Holders, and Servicers Beware: Massachusetts High Court Endorses Condominium Association's Super Lien Practice

OTHER PUBLICATIONS

- "Counterfeit Corner," *The Licensing Journal*, March 2021
- "Manufacturers Need To Mitigate Risk Of Price Bias Claims," *Law360*, 12 April 2019
- "Disfavored Retailers Turn Up Volume On Robinson-Patman," *Law360*, 20 February 2018
- "Price Check: Uncertain Outcomes In Advertised Price Cases," *Law360*, June 29, 2016
- "Behind The Curtain: Technical Advisers In Complex Cases," *Law360*, 27 May 2016
- "Business as Usual," *Corporate Counsel*, May 2011

NEWS & EVENTS

- 30 July 2015, K&L Gates Strengthens Investment Management Practice with Boston Lawyer Addition

MEDIA MENTIONS

- Quoted, "A Split Maine Supreme Court Reverses Mortgage Discharge Precedent," *The American Lawyer/Law.com* and *Law360*, 19 January 2024
- Mentioned, "GOOGLE LLC: Sandofsky Appeals FCRA Suit Dismissal to 1st Cir.," *Class Action Reporter*, 5 October 2021

AREAS OF FOCUS

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

INDUSTRIES

- Artificial Intelligence
- Technology

REPRESENTATIVE EXPERIENCE

- *Savant Systems v. Crestron Electronics*, Massachusetts Federal District Court (2014): Represented premium home automation systems manufacturer in civil antitrust litigation involving monopolization claims under the Sherman Act. Case resulted in a confidential settlement.
- *GN Netcom, Inc. v. Plantronics, Inc.*, 2016 WL 3792833 (D. Del. July 12, 2016): Obtained \$5 million sanction and adverse inference for defendant's spoliation of evidence.
- *Roxul USA, Inc. v. Armstrong Worldwide Industries*, Delaware Federal District Court: Defeated motion to dismiss and motion for summary judgment in lawsuit alleging improper monopolization of acoustical ceiling tile marketplace. Case resulted in a Confidential Settlement.
- Represented an American consumer electronics company that produces tracking devices for personal belongings as plaintiff in litigation before the U.S. District Court for the Northern District of New York. The court upheld the US\$1 million seizure of funds held by a Canadian entity reselling product into the United States.
- *Epson America, Inc. v. USA111, Inc. d/b/a iRulu*, 259 F. Supp. 3d 387 (D.S.C. 2017): Injunction granted prohibiting defendant from falsely advertising lumen brightness of projectors. Settled favorably for client shortly thereafter with damages of \$5M.