GOLDBERGSEGALLA



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Newark

Manhattan

Garden City

PRACTICES

Management and Professional Liability

Intellectual Property

Commercial Litigation and Arbitration

White-Collar Defense and Government Investigations

INDUSTRIES

Cannabis and Hemp

Matthew S. Trokenheim

PARTNER

EXPERIENCE

Matthew S. Trokenheim is an experienced commercial and intellectual property litigator whose focus is on helping clients reach successful resolution of their complex business disputes. Matt has litigated trademark and copyright cases involving a wide range of products, media, and industries. His extensive experience extends to litigation of misappropriation of trade secrets, breach of contract, fraud, professional liability, breach of fiduciary duty, defamation, and data security. Matt has represented clients across a broad spectrum of industries, including social media, consumer products, biotechnology, software development, financial services, accounting, fashion, publishing, and real estate, as well as educational, public interest, and religious institutions. Matt's litigation experience includes developing litigation plans, drafting complex pleadings and motions, managing wide-ranging discovery, and arguing motions and appeals. He has also authored and submitted many amici curiae briefs on issues of public concern in the federal district and appellate courts and the United States Supreme Court.

Matt has experience working with clients of all sizes from Fortune 500 companies to startups and individuals. He is able to provide business savvy advice on copyright and trademark issues as well as general business and contractual issues. Partnering with his clients, Matt provides both litigation and pre-litigation consultation, working hand-in-hand to craft and execute appropriate strategies to help clients meet their overall objectives.

EXPERIENCE HIGHLIGHTS

Intellectual Property and Media

- Defending a consumer products distributor against trademark and trade dress infringement claims by competing brands in actions seeking over $10 million in damages in multiple federal courts.
- Defending a medical supplies wholesaler in trademark and unfair competition action concerning importation of international grey market goods.
- Defending a supermarket logistics company in a complex copyright infringement action.
- Defending distributor of dental implants in trademark infringement and trade libel action.
- Defending public interest law firm against claims of trademark infringement.
- Defending social media company against claims of copyright infringement stemming from images embedded from other social media.
- Successfully unsealed documents for an internet news website seeking access to documents related to seizure warrants on First Amendment grounds.
- Favorable settlement for a car-rental company in an action by model alleging the use of her image without consent in an advertisement.

Commercial Litigation

- Favorable settlement on behalf of a software as a service developer in arbitration alleging breach of contract and licenses.
- Favorable settlement on behalf of a federal government subcontractor in breach of contract action against contractor.

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- Favorable settlement in a waste-oil refinery in multi-party environmental litigation involving liability and contribution under federal and state environmental protection laws.
- Obtained dismissal of complaints on behalf of modeling agency in two industry-wide class action lawsuits by models alleging fraudulent industry practices.
- Defending insurance brokerage against claims of defamation and tortious interference brought by competitor and former employee.
- Representing modeling agency in breach of contract and tortious interference actions.
- Obtained summary judgment on liability for the owner of commercial aircraft against airline holding company guarantor of a bankrupt airline's lease of a Boeing 757. Won substantial monetary award after trial on damages.
- Favorable settlement between nursing homes and corporate parents in dispute with sub-lessor to nursing homes. Minimal payment to plaintiffs.
- Favorable settlements for an international bank in multidistrict litigation against a hedge fund involving allegations of collusion, fraud, and other business torts.
- Obtained order granting summary judgment and judgment of foreclosure for a commercial lender in $30 million mortgage foreclosure action against residential real estate developer, junior lender, and mechanics lienors.
- Favorable settlement for a commercial real estate developer in a dispute with joint venture partners.

White Collar Defense and Internal Investigations

- Internal investigations of international technology manufacturer for potential violations of the Foreign Corrupt Practices Act.
- Private equity fund in price fixing and market allocation investigation by the Department of Justice.
- Art dealer investigated by the N.Y.S Department of Taxation. Investigation terminated with minimal payment.
- Hedge fund employee in enforcement action by SEC.

Appellate

- Obtained dismissal of $2.5 million action for a telecommunications provider responding to appeal of dismissal on an issue of first impression before the New York Court of Appeals and Appellate Division, First Department.
- Partner in real estate holding company appealing decision in corporate dissolution action in the New York Court of Appeals and Appellate Division, First Department.
- LGBT law enforcement officers and first responders submitting amicus briefs supporting marriage equality in the United States Supreme Court and several Circuit Courts of Appeals. The U.S. Supreme Court ruled favorably to our position and referenced our brief in its decision.
- Labor Union seeking rehearing *en banc* from the Third Circuit Court of Appeals and then petitioning for a writ of certiorari from the United States Supreme Court regarding obligations under a collective bargaining agreement. Petition denied.

HONORS & AWARDS

- Martindale-Hubbell Peer Review Rating: AV Preeminent

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BACKGROUND

ADMISSIONS

- New York
- New Jersey
- U.S. District Courts for the Eastern, Northern and Southern Districts of New York
- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Second Circuit
- U.S. Supreme Court

EDUCATION

- New York University School of Law, J.D., 2005
- Columbia University, B.A., 1995

PROFESSIONAL AFFILIATIONS

- New York State Bar Association

PUBLICATIONS & EVENTS

PUBLICATIONS

- "Managing Your Company's Risk of Copyright Infringement," *Professional Liability Matters* Blog, August 21, 2024
- "Tips on Protecting Trade Secrets after FTC Bans Non-competes," *Professional Liability Matters* Blog, April 25, 2024

PRESENTATIONS

- Co-Presenter, "D&O Liability in the Digital Age," New York City Association of Insurance Women (NYCAIW) Breakfast and Learn, New York City, New York, April 6, 2018