

Thomas A. Harvey

Partner

San Francisco

Details

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Thomas Harvey is a litigator focusing on intellectual property disputes, including trademark, copyright, and unfair competition litigation. He has extensive experience in complex commercial disputes and trials. Thomas has practiced before state and federal courts in numerous trials and appeals, and has represented clients in federal multidistrict litigation and in both domestic and international arbitration.

Thomas's practice emphasizes technology, consumer products, and creative services. He has represented a high-profile social media platform in a trademark dispute, a prominent spirits maker in a Ninth Circuit appeal regarding the trade dress of a tequila bottle, the maker of a top-ranked iOS game in trademark and copyright litigation, and a semiconductor maker in a trade secrets case involving chip design software. He also counsels brand owners regarding transactions and intellectual property protection strategies.

Before joining Coblentz, Thomas practiced at Orrick, Herrington & Sutcliffe LLP and a boutique intellectual property firm. He also served the San Francisco District Attorney's Office under the County Exchange Program, where he was lead counsel in multiple criminal jury trials. He clerked for the Honorable Norman K. Moon of United States District Court for the Western District of Virginia, including in a designation to the U.S. Court of Appeals for the Fourth Circuit.

Thomas is an adjunct professor at the University of San Francisco School of Law, where he co-directs IP in Europe, a 6-week externship program based in Milan, Italy, which teaches U.S. and Italian law students IP fundamentals and pairs U.S. students with leading European intellectual property firms.

Thomas earned his B.A. from Yale University in history and both his J.D. and M.A. in constitutional history from the University of Virginia, where he served on the managing board of The Virginia Law Review. After law school, he served as a judicial clerk to the Honorable Norman K. Moon, United States District Court for the Western District of Virginia, including in a designation to the U.S. Court of Appeals for the Fourth Circuit. He is a board member of the Yale Spizzwinks(?) Alumni Association.

Notable Representations

Intellectual Property

- Obtained multi-million dollar jury verdict following a six-week trial against one of the world's largest enterprise software companies concerning their project for the Central Bank of Malaysia. Tried the case under Malaysian law.
- Lead counsel to developer of the number-one ranked app in Apple App Store in trademark and copyright action. Obtained successful confidential settlements following application for temporary restraining order, and developed enforcement strategy against numerous copycat game makers.
- Lead counsel in trademark dispute regarding high-profile social media platform.
- Lead counsel for online resume builder accused of copying a competitor's library of suggested job description content, litigating parallel proceedings in federal district court related to copyright claims and a related arbitration forum. The matter settled confidentially.
- Represented major spirits maker in Ninth Circuit appeal regarding trade dress of Cuervo 1800 tequila bottle. The team secured affirmance of trial court summary judgment award for defendant based on finding of no infringement.
- Currently represents Say Hey Foundation, the charitable foundation of late Major League Baseball legend Willie Mays, Jr., in connection with intellectual property licensing and enforcement.
- Lead counsel for Hitachi Global Air Power LLC in trade secret litigation against departed employee. The matter resolved confidentially.
- Represented semiconductor maker in trade secrets case involving chip design software. Secured a summary judgment of non-infringement and preserved victory before California Court of Appeal.
- *URS Corporation v. Earth Tech, Inc.*: Represented an engineering firm and individual defendants in trade secret, employee raiding, and contract interference litigation involving more than 40 employees.
- Counsels software developers regarding commercial transactions and intellectual property protection strategies.

Commercial and Products Liability

- Represented Union Carbide Corporation in dozens of jury trials for asbestos product liability actions. Secured favorable results in trials throughout West Coast, including full defense verdict.
- Represented Drywall MDL in complex federal multidistrict litigation involving allegations of defective drywall, involving more than 30,000 plaintiffs and 10,000 defendants.
- Successfully represented clients in four appeals before California Court of Appeal or the Ninth Circuit.
- *Alenia Aermacchi, S.p.A v. Goodrich Aerostructures*: Successfully represented large aerospace company in complex international arbitration regarding contract for the Boeing 787 Dreamliner.

Honors & Awards

Thomas is named to the Benchmark Litigation [40 & Under Hot List](#) for his litigation work in the Intellectual Property category. Lawyers on this list are “among the top young talent in their respective litigation communities” in the United States and Canada.

Professional Activities

Thomas is a member of the International Trademark Association, where he has served as a committee member since 2013. He is currently a member of the Leadership Development Committee where he co-leads the Bootcamp project team, and previously served as co-chair of the Academic Committee’s Professor Relations Subcommittee. He is co-chair of the Northern California Chapter of the Copyright Society of the USA. Thomas is admitted to practice in California, Alabama, and numerous federal courts.

Publications & Speaking Engagements

- Moderator, “[Mobile Trademarks: Protecting Brands in Mobile Applications](#),” Coblenz Client Panel (December 2017)
- Speaker, “Mobile Mayhem: Protecting Trademarks and Copyrights in Mobile Apps,” Golden Gate University School of Law IP Law and Policy Conference (October 2016)
- Author, “[Marketing Your Brand With Influencers? Make Sure the FTC Hits the “Like” Button](#),” The Recorder (September 22, 2016)
- Author, “Ten Tips for Winning a Trademark Preliminary Injunction,” The Recorder (2015)
- Author, “Trademark Applications Can Hold a Phantom Menace,” The Recorder (2014)
- Author, “Jury Instructions on Electronic Media: What Message Are We Sending Jurors?,” Bloomberg BNA United States Law Week (2013)

Education

- J.D., University of Virginia School of Law (2004)
- M.A., University of Virginia (2004)
- B.A., Yale University (2001)
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