

## INFLUENTIAL WOMEN OF SAN DIEGO

### LAW

## Jennifer L. Barry

While Barry represents clients in a variety of general commercial litigation matters, her practice focuses on intellectual property and trademark litigation. She serves as global vice chair of Latham & Watkins' intellectual property litigation practice, and has successfully litigated before federal and state courts, as well as the Patent and Trademark Office's trademark trial and appeal board.

Barry has handled a number of matters for Funko, the maker of licensed pop culture collectibles. Gibson Guitars recently brought a lawsuit against Funko for its figurines of famous rock bands, including Guns 'N' Roses, KISS and Metallica. The figurines are depicted holding unbranded guitars, which the guitar maker claimed infringed on its trademark rights based on the shape.

Barry and her team ultimately were able to negotiate a good settlement. While examining potential defenses, she had to learn how guitars are made, how the shape

affects sound, and about the guitar-making industry itself.

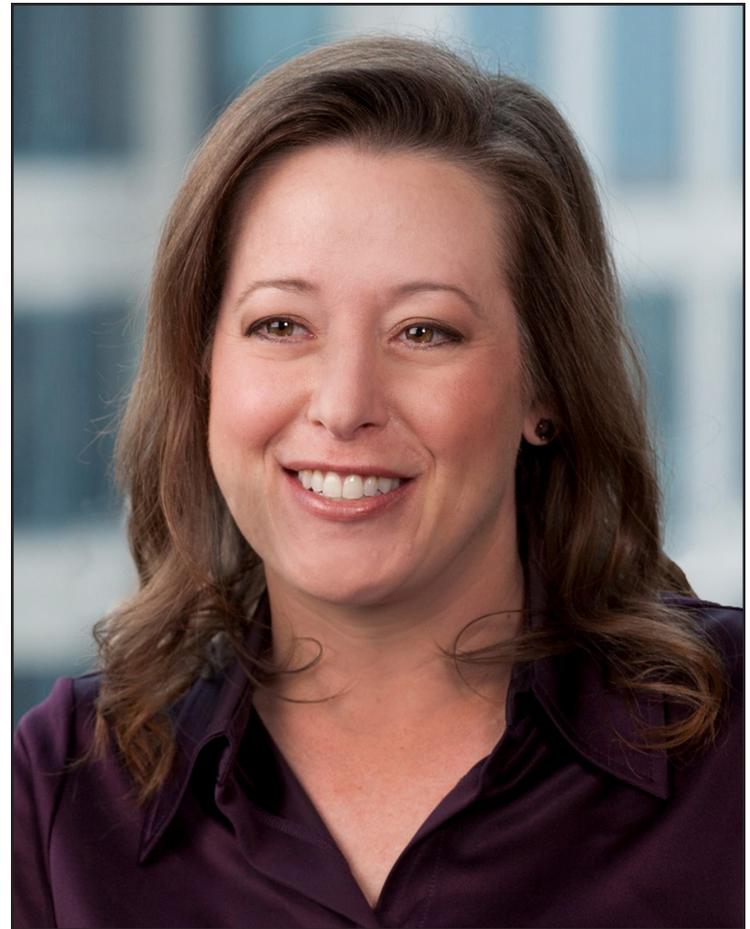
"One of the things I love about my job — I learn the most random facts, because I get a new case and have to learn about some product I've never heard of, so I'm a walking encyclopedia of weird, random knowledge," she said.

Barry also has expertise in internet law, social networking and e-commerce issues. The focus of infringement issues has shifted since the early days of the internet, from registering trademarks as domain names and fake web sites, to the use of trademarks as social media handles and user names today.

"For domain names, there was an arbitration structure in place. But when it comes to social media handles, there's no such structure in place," she said. "You have to deal with each site's terms of use. It's much more of a Wild West environment."

Part of the challenge is that the law simply cannot keep up with the pace of technology.

"Trademark law, before



**Latham &  
Watkins LLP**

Partner

the internet, followed certain parameters," she said. "But now, there are so many different, creative ways that people are using and abusing trademarks, and the statutes are just decades behind."

In addition, Barry provides

pro bono counsel to California-based The Heroes Project, a nonprofit dedicated to helping injured veterans recover through adventures to the summits of the world's highest mountains.

— Jennifer Chung Klam