



TEL: 201-525-6267

FAX: 201-678-6267

dkohane@coleschotz.com

EDUCATION

- New York University School of Law, J.D., *cum laude*, 1985
- Wesleyan University, B.A., *magna cum laude*, 1980

BAR & COURT ADMISSIONS

- New Jersey, 1989
- U.S. District Court, District of New Jersey, 1989
- New York, 1986
- U.S. District Court, Southern District of New York, 1987
- U.S. District Court, Eastern District of New York, 1987
- Connecticut, 1985
- U.S. Tax Court, 1987

David M. Kohane

Member

Litigation
Business Owner Disputes
Alternative Dispute Resolution
Tax Litigation
Intellectual Property
Franchising
Construction Services
White Collar & Investigations

David Kohane concentrates his practice in complex litigation and chairs the firm's Intellectual Property Practice Group. He regularly handles disputes and provides counseling in the areas of trademark, copyright, patents, trade regulation, unfair competition, defamation, and privacy rights. He also has a depth of experience handling tax, white collar criminal, and constitutional matters, along with commercial and construction disputes and litigation under the securities, antitrust and RICO laws. Mr. Kohane handles matters at the trial and appellate levels, in administrative proceedings, and in mediations and arbitrations. Mr. Kohane has served as an arbitrator in both international and domestic matters.

Mr. Kohane has authored articles in the fields of trademark law, copyright law, Internet and computer law, evidence, federal civil procedure, federal tax disputes, criminal law, civil rights, and RICO, and lectures frequently in the fields of intellectual property law and disputes, Internet and computer law, evidence, and court procedure.

Mr. Kohane has been an arbitrator in both international and domestic arbitrations.

Mr. Kohane served as law clerk for the Honorable Charles S. Haight, Jr. in the United States District Court in the Southern District of New York in Manhattan for two years before entering private practice.

NOTEWORTHY

Mr. Kohane has been awarded an AV rating for his professionalism and the quality of his legal work from Martindale-Hubbell, the

David M. Kohane (Continued)

premier directory of legal professionals. He has also been included in 201 Magazine's list of Top Lawyers in Bergen County for 2011. Mr. Kohane has been included in the New Jersey Super Lawyers® from 2009-2012.

Mr. Kohane has been appointed Co-Director of the John C. Lifland American Inn of Court, 2011. The Inn concentrates on practice in the federal courts and intellectual property law.

PUBLICATIONS

Patent Litigation in the Wake of the America Invents Act, *New York Law Journal*, May 14, 2012

Art Hath An Enemy Call'd Ignorance: Bankruptcy and Artwork Consignment in New Jersey, *New Jersey Volunteer Lawyers for the Arts*, August, 2011

In Internet Advertising, Context Is King, *New Jersey Law Journal Volume 204; Issue 8*, May 23, 2011

Application of the Common-Interest Doctrine in Bankruptcy Proceedings, *American Bankruptcy Institute Journal*, February 2011

State Trade Name Registration Is Insufficient To Clear a Trademark, *New Jersey Law Journal*, October 5, 2009

Ask A Lawyer: Tell IRS If You Have Foreign Bank Account, *The Record*, July 2, 2009

Ask A Lawyer: Trademarks Can Take Hold Simply By Use, *The Record*, February 5, 2008

Ask A Lawyer: Trademark Serves a Vital Role-But First Be Sure It's Yours, *The Record*, January 29, 2008

Discovery, Retention and Spoliation of E-evidence, *New Jersey Law Journal*, April 28, 2003

A Question of Jurisdiction: Should Copyright Contract Breaches be Filed in Federal or State Courts?, *New Jersey Law Journal*, July 24, 2000

Lexis Nexis Practice Guide: New Jersey Commercial Litigation (2009 Edition), Chapter 8: Franchise Litigation

LexisNexis Practice Guide: New Jersey Commercial Litigation (2009 Edition), Chapter 9: Unfair Competition

David M. Kohane (Continued)

Third Circuit Affirms District Court's Dismissal of Federal Constitutional Challenge to State Insurance Regulations Based on Burford Abstention Doctrine, *ABA Pretrial Practice Committee Newsletter*

Failure to Object to Magistrate Judge's Nondispositive Order Waives Right to Appeal, *ABA Pretrial Practice Committee Newsletter*

District of New Jersey Court Refuses to Recognize Self-Critical Analysis Privilege, *ABA Pretrial Practice Committee Newsletter*

LAW BLOG ARTICLES

Keywords, Context And Consumer Sophistication In Internet Advertising, *IP Law Outlook* (2011)

Registering Your Business Name Does Not Give You Trademark Protection, *Corporate Law Monitor*

SPEAKING ENGAGEMENTS

- E-Discovery in Your Practice - Best Practices and Updates, WestLegal Education Center CLE, Cole Schotz, Hackensack, NJ
- Updates in Intellectual Law, *WestLegalEd* CLE Seminar and Webinar, October 26, 2011 (including presentation on use of competitors' trademarks in Internet advertising and sponsored links)
- In-House Counsel CLE Seminar: Update in Intellectual Property Law, *New Jersey Law Journal*, October 4, 2011 (including presentation on use of competitors' trademarks in Internet advertising and sponsored links)

PROFESSIONAL ACTIVITIES

- Co-Director, John C. Lifland American Inn of Court
- American Bar Association
- International Trademark Association
- New Jersey State Bar Association (Federal Practice Committee)
- Bergen County Bar Association (Computer Law Committee)
- Counsel, Temple Emeth in Teaneck