

William "Corky" Y. Klett, III

Partner

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“They say imitation is the sincerest form of flattery. I have built my practice proving that, very often, it’s also an infringement on intellectual property.”

For more than 30 years, Corky Klett has paired his competitive drive with creative problem solving to serve clients. His practice focuses on litigation of patents, trademarks, and copyrights throughout the Southeast and in courts across the United States. Putting in the time to understand his clients’ businesses, Corky also handles intellectual property aspects of corporate transactions, including due diligence for mergers and acquisitions, technology transfer and licensing, as well as intellectual property portfolio creation, management, and enforcement.

Corky explores the best options for protecting the rights and interests of inventors, engineers, artists, authors, and musicians. Corky works efficiently and creates value in the following areas:

PATENTS

Corky has experience representing clients in patent infringement matters related to a broad range of technologies and has argued before the Court of Appeals for the Federal Circuit. He litigates both utility and design patents in Federal Court and has experience before the Patent Trial and Appeal Board (PTAB) in the conduct of trials, including inter partes, post-grant, and derivative proceedings. His patent practice also includes rendering infringement and freedom-to-operate opinions.

TRADEMARKS

Corky has experience filing and prosecuting federal trademark applications, managing, and enforcing trademark portfolios, and litigating trademark matters. His litigation experience includes trademark and trade dress infringement claims, federal false

PARALEGAL/ASSISTANT

Legal Practice Assistant

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CAPABILITIES

Intellectual Property
Commercial Litigation
Employment Litigation
Sports & Entertainment

EDUCATION

J.D., University of Nebraska (1990)
B.S.E., Colorado School of Mines
(1987)

LICENSED IN

Colorado
South Carolina
Texas

ADMITTED IN

U.S. Patent and Trademark Office
U.S. District Court - District of
Colorado
U.S. District Court - South Carolina

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advertising and unfair competition claims, counterfeiting, and unfair trade practices. He also represents parties in cancellation and opposition proceedings before the Trademark Trial and Appeal Board (TTAB). He also has experience with UDRP claims associated with internet domain name disputes.

COPYRIGHTS

Corky has a wide variety of copyright experience, including internet music downloading cases, and infringement of various types of works, such as architectural plans, maps, testing materials, music samples, and visual art. He has experience with music publishing issues, royalty negotiation, and termination rights.

TRADE SECRETS

Corky has experience in developing strategies for the preservation and enforcement of corporate proprietary information. He assists companies in developing policies and employee agreements aimed at protecting this valuable intangible asset. Corky has experience with the Defend Trade Secrets Act (as well as other aspects of the Economic Espionage Act) in defending against the misappropriation of trade secrets.

SOFTWARE

Corky has experience in negotiating and drafting license agreements for software, as well as litigating software implementation, development, and licensing issues.

ENTERTAINMENT

Corky has served as the primary intellectual property counsel to the Estate of James Brown. In connection with this representation, he was involved with a wide variety of issues. He has experience with issues related to enforcement of rights of publicity and privacy, as well as claims involving likeness, image, and persona.

CORPORATE/TRANSACTIONAL

Corky routinely represents companies in the development, protection, and management of intellectual property assets. He assists clients with data security and privacy issues, website issues, and ESI (electronically stored information) concerns.

SPEAKING & WRITING

Corky frequently speaks on a variety of intellectual property issues. He has taught copyright and entertainment law classes at the University of South Carolina School of Law and participated as a speaker at numerous continuing legal education seminars on a

U.S. District Court - Western District of Texas

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Federal Circuit

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variety of IP and ethics topics.

When away from the office, Corky is spending time with his wife and four kids. Corky is an avid soccer player, having played in college, as well as professionally. He has also had the privilege of coaching all four of his children's soccer teams. When he is not on the soccer field, Corky spends his time traveling, snow skiing, and reading.

Corky earned his J.D. from the University of Nebraska and his B.S.E. from the Colorado School of Mines.

Experience

- Represented a large textile manufacturer in a case related to fire retardant textile treatment (Northern District of Illinois).
- Represented a manufacturer accused of infringing a hand-held equipment mount patent (Western District of Washington).
- Represented a manufacturer accused of infringing a trailer hitch patent (Western District of Oklahoma).
- Represented a medical cart manufacturer accused of infringing a mobile clinical workstation patent (Northern District of Georgia). Such defense included a concurrent reexamination of the patent at issue before the USPTO.
- Multiple patent enforcement actions against competitors accused of infringing various construction material patents (District of South Carolina).
- Represented an ink manufacturer accused of infringing a patent directed to sublimation inkjet printer inks (District of South Carolina).
- Represented a large insurance claims processor accused of infringing a healthcare management patent (District of South Carolina).
- Represented a beverage blending system manufacturer accused of infringing a patent directed to flavored beverage blending systems (District of South Carolina).
- Enforcement action against an infringer of an ATM transport and mounting system (District of South Carolina).
- Enforcement of a design patent related to juvenile beverage containers (District of South Carolina).
- Multiple enforcement actions against competitors accused of infringing various patents related to electrical lighting fixtures (District of South Carolina).
- Enforcement of utility and design patents against a competitor related to a system of removing construction debris (District of South Carolina).
- Enforcement of a patent directed to a transformable mechanic's creeper (District of South Carolina).
- Represented a manufacturer accused of infringing a patent related to paintball accessories (District of South Carolina).
- Represented a steel manufacturer accused of infringing fastening tool patents (District of Arizona). Such defense included a concurrent reexamination of the patents at issue before the USPTO.

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- Enforcement of patents directed to tourniquets (District of Nevada; Western District of North Carolina; District of Idaho; Eastern District of California).

Trademarks

- Management and enforcement of the trademark portfolio of a preeminent publisher of lawyer referral directories.
- Multiple trademark infringement actions against competitors marketing counterfeit coating products (District of South Carolina, Western District of North Carolina, Middle District of Florida).
- Defense of trademark action against a manufacturer of optical solutions (District of Nevada).
- Defense of a trademark action against a resort hotel (Southern District of Georgia).
- Defense of trademark claims against a real estate management company by a consortium of resort hotels.
- Defense of a trademark infringement action against a travel services company (District of South Carolina).
- Prosecution of a trademark and trade dress infringement claim against a competing heavy equipment manufacturer (District of South Carolina).
- Prosecution of a trademark infringement claim on behalf of a national dry cleaning franchisor against a terminated franchisee (District of South Carolina).
- Defense of a trademark and trade dress infringement claim relating to cookie packaging (Western District of North Carolina).
- Prosecution of trademark infringement claim on behalf of a miniature golf business (District of Delaware).
- Prosecution of a trademark infringement claim against a competing manufacturer of boat heaters (District of South Carolina).
- Prosecution of unfair competition claims against competing resellers of luxury bath fixtures (District of South Carolina).
- Represented a national restaurant and bar chain accused of infringing trademark associated with the menu items of a local competitor (District of South Carolina).

Patents

Copyrights

- Regional counsel and led a team in the management of all internet music downloading cases in North and South Carolina brought by the Recording Industry Association of America (RIAA). These efforts resulted in the filing of over 100 cases in South Carolina alone for copyright infringement arising out of peer-to-peer music file sharing.
- Lead counsel in enforcing copyrights in house plans authored by a nationally recognized, award-winning designer against a national monthly publication (Northern District of Alabama).

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- Defense of copyright infringement claims asserted by a decorative sign company against a competing manufacturer (District of South Carolina).
- Defense of an exercise video production company against claims of copyright infringement by a set designer (District of South Carolina).
- Enforcement action by nationally recognized artist whose copyrights were infringed by counterfeit reproductions of his work (District of South Carolina).
- Defense of a test preparation company accused of infringing copyrights held by a testing service (District of South Carolina).
- Enforcement of copyrights in maps against an infringing competitor (District of South Carolina).
- Enforcement of copyrights owned by a regional home builder against a local competitor (District of South Carolina).

Trade Secrets

- Defended a distributor of sanitizing solutions accused of misappropriating product formulas and directly competing against distributor's former supplier.
- Represented a parts manufacturer accused of misappropriating design information from a former customer.
- Enforcing on behalf of a European company a foreign judgment obtained in Ireland against a former employee accused of misappropriating confidential design information and data (District of South Carolina).
- Protecting the proprietary information of a nonparty to a patent infringement action where client was served with a subpoena requesting such information from both foreign and domestic company divisions (District of South Carolina).

Software

- Arbitration of a failed software implementation project on behalf of a major utilities provider against a software developer.
- Assisted in the representation of a major New York savings and loan relating to a failed computer system project (District of South Carolina).

Entertainment

- Development, monetization, and enforcement of a large IP portfolio consisting of music copyrights, trademarks, and publicity rights.
- Auditing of royalties.
- Negotiation of various production deals associated with music, film, and performance productions.
- Management of copyright terms and termination rights.

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Corporate/Transactional

- Assist with IP due diligence in corporate sales and acquisitions.
- Draft license agreements for patents, trademarks, or other intangible property.
- Draft nondisclosure, assignment, and joint development agreements for use with employees, vendors, or third parties.
- Assist with IP issues arising in bankruptcy and tax proceedings.

Honors & Recognition

- Listed in *The Best Lawyers in America*® , "Lawyer of the Year," Litigation - Intellectual Property, Columbia, SC (2022)
- Listed in *The Best Lawyers in America*® Intellectual Property since 2006, Copyright Law since 2011, Litigation - Intellectual Property since 2011, Litigation - Patent since 2011, Patent Law since 2011, Trademark Law since 2011
- *Benchmark Litigation* Local Litigation Star (2021)
- Martindale-Hubbell AV Preeminent® Peer Review Rating
- Supreme Court of SC's Board of Commissioners on Grievances and Discipline (1995-1997)
- Supreme Court of SC's Commission on Lawyer Conduct (1997-1998; 2000-2004)
- SC Bar Ethics Advisory Committee - Chair
- "Legal Elite of the Midlands" - Intellectual Property
- *Managing Intellectual Property*, "IP Stars"
- Litigation Counsel of America, Fellow

News

- Burr & Forman's Intellectual Property Practice and Attorneys Recognized in Top Categories by IP STARS Firm News, 04.12.2022
- Burr & Forman Launches NIL Microsite for College Athletes Firm News, 09.14.2021
- Burr & Forman's Corky Klett Inducted into Litigation Counsel of America Firm News, 02.23.2021
- "Veteran IP Litigator Joins Burr Forman McNair As Partner," *Law360* Firm News, 03.29.2019
- Burr Forman McNair Welcomes Partner Corky Klett to Intellectual Property Group Firm News, 03.06.2019

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Articles

- "Charleston Reboot: a Historic City Now Driven by Innovation," Charleston Business Magazine Firm News, 10.05.2022

Professional Activities

- American Bar Association (Intellectual Property Law and Litigation Sections)
- Fédération Internationale Des Conseils En Propriété Intellectuelle (FICPI) - U.S. Section, Council Member