



Erica Brand Portnoy

Partner

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Services

Brand Integrity and Innovation Group
Intellectual Property

Biography

Erica Brand Portnoy practices in the Brand Integrity & Innovation Group, specializing in brand protection matters and representing corporate victims of fraud and intellectual property theft.

Ms. Portnoy counsels clients on strategies to protect their brands, often conducting internal and external investigations on behalf of her corporate clients. Ms. Portnoy works with law enforcement agents and prosecutors in seeking criminal investigations and prosecutions of entities and individuals committing the crimes, and then seeks restitution recoveries on behalf of her corporate clients. Ms. Portnoy also represents clients by seeking civil resolutions to intellectual property theft and corporate fraud.

Ms. Portnoy's work focuses on crimes involving the sale of counterfeit goods, major frauds and employee frauds. Her experience with global brands spans a range of industries that includes apparel, footwear, consumer products, enterprise technology products, personal computing products, pharmaceuticals, and social networking platforms. Ms. Portnoy represents clients at all stages of their brand protection enforcement programs, and is particularly experienced in strategic intellectual property management advice, developing and implementing programs to combat online counterfeiting and infringement, innovative targeting strategies, and execution of solutions to address these complex business threats.

Prior to joining Sideman & Bancroft, Ms. Portnoy was a litigation associate at Bingham McCutchen in San Francisco, where she concentrated on complex commercial litigation including antitrust and intellectual property matters. Ms. Portnoy graduated with honors from the University of Pennsylvania and earned her law degree from the University of California Berkeley School of Law (Boalt Hall). While in law school, Ms. Portnoy served as a judicial extern for the Hon. Bernard Zimmerman, U.S. District Court for the Northern District of California.

Representative Matters

Anti-Counterfeit Enforcement

- Representing a major semiconductor company in counterfeit investigations and engagement with Customs and law enforcement
- Representing a major software company in counterfeit investigations and engagement with Customs and law enforcement
- Representing a leading manufacturer of computer hardware in counterfeit investigations and engagement with law enforcement in various states

Sales and Discount Fraud

- Representing a leading manufacturer of computer hardware in promoting criminal discount fraud matters with law enforcement involving significant fraud schemes targeting sales discount programs; silver plattered discount fraud cases to law enforcement in various jurisdictions and obtained cooperation and federal investigations
- Representing Cisco Systems, Inc., in promoting discount fraud cases with law enforcement in significant fraud schemes that targeted sales discount programs

Warranty Fraud

- Representing Cisco Systems, Inc., a leading manufacturer of network hardware, in promoting Brand Protection and warranty fraud cases with law enforcement, which has entailed working with the FBI, ICE, and other law enforcement agencies and federal prosecutors in more than twenty states, U.K., and Canada

Civil Litigation Representations

- Representation of leading manufacturers of consumer electronic products against distributors in multimillion-dollar fraud and misappropriation of trade secrets claims involving employee bribery and unauthorized product bundling and labeling

Professional Involvement

Ms. Portnoy is a member of the American Bar Association, Litigation Section, and a member of the Bar Association of San Francisco. Ms. Portnoy was previously on the Executive Committee of the Bar Association of San Francisco Antitrust & Trade Regulation Section.

She is a co-author of Chapter 21: Class Actions in Competition and Consumer Protection Cases in California State Antitrust and Unfair Competition Law (LexisNexisMatthewBender, 2009).

Publications

- Co-author, "Criminal Counterfeiting: Tips for Successful Collaboration With Law Enforcement," InsideCounsel, 2015
- Co-author, "The Case for Criminal IP Enforcement," Managing IP, 2013
- Co-author, "4 Best Practices to Protect Your Company from Discount and Warranty Fraud," InsideCounsel, 2013

- Co-author, "How Big is Big? Measuring the Metrics of Your Anti-Fraud Program," InsideCounsel, 2013
- Co-author, "Best Practices for Making a Referral to Law Enforcement on a Fraud Case," InsideCounsel, 2013
- Co-author, "5 Ways to Protect Your Company From Discount Fraud," InsideCounsel, 2013
- Co-author, "5 Ways to Prevent Discount and Warranty Fraud," InsideCounsel, 2013
- Co-author, "How to Develop Intelligence to Protect Your Company from Discount Fraud," CRN, 2012
- Co-author, "How to Use Internal Procedures to Protect Your Company from Discount Fraud," CRN, 2012
- Co-author, "5 Steps to Protect Your Company Against Warranty Fraud," InsideCounsel, 2013

Speaking Engagements

- Kelly McCarthy and Erica Brand Portnoy present "Brand Protection and Counterfeiting: So Many Bad Guys, So Little Time" for the 2019 Legal & Regulatory Conference of the Personal Care Products Council
- Erica Brand Portnoy joins BASF panel "IP BYTES: Hot Topics in Trademark Law"
- Kelly McCarthy and Erica Portnoy discuss counterfeit and gray marketing issues in "Welcome to the Jungle" at the 2018 Legal & Regulatory Conference of the Personal Care Products Council
- Sideman & Bancroft hosts the 2017 AGMA Americas Winter Conference
- Erica Brand Portnoy speaks about the "Expense Fraud Lifecycle – Intake, Investigation, Prosecution" at the Association of Certified Fraud Examiners

Education

University of Pennsylvania
B.A. 2000

University of California, Berkeley, Boalt Hall School of Law
J.D. 2006