

# Thomas G. Hentoff

## Partner

Tom Hentoff serves as Co-Chair of Williams & Connolly's Trademark and Copyright and First Amendment and Media practice groups. His practice is concentrated in three areas: intellectual property disputes, First Amendment and media law, and complex civil litigation. Tom has represented clients in a wide variety of copyright, trademark, trade secret, defamation, privacy, false-advertising, and class action litigation and counseling matters. He has also represented clients in a broad range of civil litigation matters at the trial and appellate levels.

*Chambers USA: America's Leading Lawyers for Business* (2007-19) has recognized Tom as a leading individual among Washington, D.C. media and entertainment lawyers and national First Amendment litigators, noted for his work in "First Amendment and media law and IP litigation." *Chambers* has reported client praise for his "excellent judgment," "fantastic sensibility" for business issues, "thorough, analytical approach to copyright issues," and "first-class written product." *Chambers* highlighted one client's description of Tom as "brilliant, extremely diligent and fantastic when it comes to new media and technology issues" and has quoted another as stating: "He would be on my dream team of lawyers." Tom has also been recognized in First Amendment and media law by *Washington D.C. Super Lawyers* (2009-18) and in Copyright Law, Litigation – First Amendment, and Media Law by *Best Lawyers in America* (2008-18). He was also named *Best Lawyers' Washington, D.C. Copyright Lawyer of the Year* for 2015.

Born and raised in New York City, Tom graduated from Wesleyan University with honors in 1985, and received his J.D. from Columbia Law School, where he was a Stone Scholar and a senior editor of the *Columbia Law Review*. He joined Williams & Connolly in 1992 and is chair of the firm's Pro Bono Committee.

Tom is a member of the Board of Directors of the Washington Lawyers' Committee for Civil Rights and Urban Affairs and the Board of Directors of the D.C. Volunteer Lawyers Project ("DCVLP"). He also served on the D.C. Bar Pro Bono Committee from 2006 to 2012. In 2017 he led a team that won the DCVLP's Champion of Justice Award. In 2014 and 2010, he led teams that won Washington Lawyers' Committee Outstanding Achievement Awards for results obtained for pro bono clients in the areas of immigrant and refugee rights and prisoners' rights. In 2010, his efforts to help launch a Consumer Law Resource Center for unrepresented litigants in D.C. Superior Court helped the Center win the D.C. Bar's Best Bar Project award. He is also a fellow of the American Bar Foundation. His article *The Secrets of Superstar Associates* has been



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## Education

Columbia Law School, J.D., 1991:  
Senior Editor, *Columbia Law Review*; Harlan Fiske Stone Scholar, 1988-1991  
Wesleyan University, B.A., with honors, 1985

## Practice Focus

Civil Litigation and Trial Practice  
Commercial Litigation  
First Amendment and Media  
Class Action  
Supreme Court and Appellate  
Litigation  
Trademark and Copyright  
Unfair Competition, Trade Secrets and  
Restrictive Covenants

## Recognitions

"Media & Entertainment (D.C.),"  
*Chambers USA*, 2007-2020

"First Amendment Litigation  
(Nationwide)," *Chambers USA*, 2019-  
2020

Recognized as one of *The Best*

assigned reading in a number of law school legal-practice courses. In 2009, the ABA Litigation Section selected the article for inclusion in a CD collection of "Top Podcast Episodes" from *Litigation* magazine.

## Representative Experience

Though all cases vary and none is predictive, Tom's experience includes:

- Representing record companies in ongoing copyright-infringement litigation against an internet cyberlocker company and its operators.
- Representing an online media company and reporters in successfully resolved defamation lawsuits arising from articles published on websites prior to the company's acquisition of the websites.
- Representing a business news publisher in a successfully resolved defamation lawsuit arising from an article about a company's insolvency.
- Successfully defending a national television broadcaster against right-of-publicity claims relating to the broadcasting of NCAA football and basketball games, brought on behalf of a putative class of college athletes. The trial court dismissed the complaint with prejudice, a ruling affirmed on appeal.
- Representing record companies in a copyright-infringement lawsuit against an unauthorized online music streaming service in which the clients obtained a temporary restraining order within days of the service's launch, followed by a permanent injunction.
- Successfully defending a business news publisher in a trade secrets lawsuit brought by an energy company suing over reporting about a presentation it gave to bondholders. The client obtained a dismissal with prejudice in the trial court.
- Successfully defending a cable network in a defamation case arising from a news-magazine program's report on child labor practices in India in which the plaintiff sought tens of millions of dollars in damages; the jury returned a defense verdict at the conclusion of a four-week trial.
- Representing a television broadcaster plaintiff in successfully resolved breach of contract and copyright-infringement litigation arising from a satellite television provider's service for making unauthorized copies of the broadcaster's primetime programming for commercial-free playback.
- Representing motion picture studios in successfully resolved copyright litigation against providers of peer-to-peer file-sharing

*Lawyers in America*®, 2008-2021

"Washington's Best Lawyers" in the category of First Amendment and Media, *Washingtonian* magazine, 2007-2015

"Washington, D.C. Copyright Lawyer of the Year," *The Best Lawyers in America*®, 2015

## Admissions

District of Columbia

Pennsylvania

United States Supreme Court

United States Court of Appeals for the District of Columbia, First, Second, Sixth, Ninth, and Eleventh Circuits

United States District Court for the District of Columbia, Maryland, and Northern District of New York

software, including the landmark *MGM v. Grokster* case, in which the studios won summary judgment on liability and obtained permanent injunctions.

- Successfully defending a newspaper publisher in an online copyright-infringement case; the court's grant of summary judgment included rejection of the plaintiff's \$30-million statutory damages theory.
- Representing an Internet news organization in a putative class action seeking more than \$100 million in damages; the trial court dismissed the complaint with prejudice and the appellate court affirmed the ruling.
- Defending national news organizations in successfully resolved lawsuits arising from reports about a Vietnam-era U.S. military mission, "Operation Tailwind."
- Representing healthcare industry defendants that won summary judgment in a trade secrets and breach of contract lawsuit that sought more than \$400 million in damages.
- Representing a software company plaintiff in successfully resolved patent lawsuits regarding email-related technology.
- Representing a broadcasting company that obtained an appellate reversal of a trial-court judgment in an employee whistleblower lawsuit; the company was also awarded attorneys' fees.
- Defending a major consumer electronics manufacturer in a successfully resolved Lanham Act and product disparagement case.
- Successfully defending consumer product manufacturers in putative nationwide class actions alleging false advertising and product defects.
- Representing a major research university in a successfully resolved patent and copyright dispute over the ownership of a suite of computer software programs.
- Representing clients in patent litigation involving Web-based advertising and Internet telephony software.
- Representing major media companies in a successful Lanham Act and anti-cybersquatting lawsuit against domain name speculators.
- Representing an online investment newsletter that obtained dismissal of a public company's multi-million-dollar defamation lawsuit.
- Successfully defending, in the trial court and on appeal, a national

news organization against a multi-million-dollar breach of contract lawsuit.

- Successfully defending, in the trial court and on appeal, news organization and media defendants in libel, privacy, and intellectual property lawsuits brought throughout the United States.

## Resources

### Publications

- *HBO Wins Libel Trial Over Real Sports with Bryant Gumbel Report*, August 2015
- *A Basic Guide to Employment Defamation and Privacy Law*, November 2006
- *The Secrets of Superstar Associates*, Spring 2006
- *Former Reporters Cannot Base Whistleblower Claim on Editorial Disputes Over Television News Report*, May 2003
- *The Press's Newsgathering Privilege*, null
- *Holey Archives: After Tasini, Publishers May Have To Hit the Delete Key*, July 2001
- *Speech, Harm and Self-Government: Understanding the Ambit of the Clear and Present Danger Test*, October 1991

### Presentations

- *Tom Hentoff Speaks at 2019 Communications Law in the Digital Age Conference*, November 2019
- *Thomas Hentoff Speaks at 2018 Iowa Intellectual Property Law Association Annual Meeting*, September 2018
- *Thomas Hentoff Speaks at PLI's Communications Law in the Digital Age 2017 Program*, November 2017
- *Defamation and Related Claims*, November 2016
- *Copyright Challenges of Commercialized User-Generated Content*, March 2016