

Kenneth L. Bressler | Senior Counsel
Business Litigation

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Ken has more than 35 years of experience representing global financial institutions, large publicly-traded corporations, individuals, and recording artists such as Led Zeppelin in litigating complex corporate and financial services-related matters, contractual issues, and intellectual property disputes.

In approaching complex documents—be it structured products, integrated loan documents, corporate transactions, or patents—Ken approaches the task the same way he approaches a steep, rocky trail on his mountain bike—with a will to win. On the trail, he picks a line and uses determination and finesse to get around obstacles to reach the summit. And when loose rocks or other challenges throw him off course, he is nimble enough to adjust and plow forward. In advising clients, Ken dives into documents and devises a course of action, with the ability to adjust as necessary, helping his clients achieve their goal, whether through a negotiated settlement or court order.

Outside The Firm

Ken devotes significant time to Election Protection, a volunteer effort helping voters for all parties navigate the complex rules and regulations governing their right to vote. He is an avid mountain biker and aspiring skier. Ken has taken his children, who are now grown, on bike tours of Ireland, England, Italy, and the Czech Republic with nothing but a knapsack on their backs and a rough direction to pedal. He hopes to one day do the same with grandchildren.

Select Engagements

Corporate/Financial

- The issuer of the Taberna IV CDO in an involuntary bankruptcy case filed in the Southern District of New York, requiring Ken to dissect complex CDO documentation and leading to dismissal of the involuntary petition and payment of over \$700,000 in attorney fees.
- The issuer/putative debtor in the *Zohar CDO 2003-1* involuntary bankruptcy case, which also involved CDO documents and also led to the dismissal of the petition and payment of attorneys' fees.
- BNY Mellon as swap counter-party named as defendant in interpleader action contesting termination of the swap. Ken successfully moved to dismiss the interpleader resulting in the client being paid due to an early termination event.
- Och-Ziff, Farralon Capital and Highbridge, which held senior secured positions in a bankrupt company, in a suit brought by a junior creditor alleging that the funds breached various contracts by receiving a security interest in certain of the company's assets as collateral for debtor-in-possession financing. Ken successfully moved to dismiss the case based on the face of the loan documents.
- A large investment fund in a suit for a large earn-out payment, requiring Ken to interpret numerous integrated merger and loan documents. Ken successfully moved to have the case dismissed based on the face of the documents.
- One of the world's largest multiplatform funds, in obtaining the release of options worth nine figures held in a bankruptcy estate.
- Officers and directors of a bankrupt manufacturing entity, in claims of breach of fiduciary duty in Georgia bankruptcy court.
- Members of a real estate partnership, in claims of breach of fiduciary duty in Delaware bankruptcy court.
- Led Zeppelin and Atlantic Recording Corporation, in contract action brought by the band's former attorney. The case involved a very cleverly drafted agreement that, if read in a certain manner, would have been costly to the band. A very favorable settlement was reached based on Ken's arguments in mediation.

Intellectual Property

- One of the largest manufacturers of large screen displays in patent litigation in the Southern District of New York. Obtained reversal of jury verdict of patent infringement.
- Chinese mobile phone manufacturer ZTE, in multi-patent infringement action in the Eastern District of Texas. Case settled after Markman decision.
- AT&T Services, Inc.; Comcast Cable Communications LLC; Microsoft Corporation; Time Warner Cable, Inc.; Yahoo! Inc.; and Return Path, Inc., in a patent infringement action in the District of Delaware and obtained a favorable Markman Opinion leading to a concession of non-infringement and an assessment of costs.
- Centillion Data Systems, in patent infringement in the Southern District of Indiana, including obtaining a Federal Circuit decision setting the law for divided infringement in system claims.

- Return Path, in a patent infringement action in the Northern District of Georgia, and obtained dismissal on summary judgment and affirmance on appeal of non-infringement, leading to an award of costs.
- UMG Recordings, in an action for trademark and copyright infringement, and obtained a judgment after trial awarding damages including attorneys' fees, amounting to 125 times the infringers' profits.

Admissions

- Supreme Court of the United States
- New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - Eastern District of Wisconsin
- U.S. District Court - Southern District of New York
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Tenth Circuit

Education

- Dickinson College, BA
- Benjamin N. Cardozo School of Law, Yeshiva University, JD, cum laude