

Kenneth L. Bressler | Partner
Business Litigation

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Ken Bressler is a litigator with more than 30 years of experience litigating and trying complex corporate/financial services-related and intellectual property disputes.

Select Engagements

Corporate/Financial

- Officers and directors of a bankrupt manufacturing entity, in claims of breach of fiduciary duty pending in Georgia bankruptcy court.
- Members of a real estate partnership, in claims of breach of fiduciary duty pending in Delaware bankruptcy court.
- An issuer/putative debtor, in *In re Taberna IV* in involuntary bankruptcy case filed in the Southern District of New York, leading to dismissal of the involuntary petition and payment of over \$700,000 in attorney fees.
- An issuer/putative debtor, in *In re Zohar CDO 2003-1*, in involuntary bankruptcy case, leading to the dismissal of the petition and payment of attorneys' fees.
- Swap counter-party named as defendant in interpleader action contesting termination of the swap, leading to dismissal of the interpleader.
- Several multiplatform funds holding 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.
- One of the world's largest multiplatform funds, in obtaining the release of options worth nine figures held in a bankruptcy estate.
- A marine terminal operator, in claims of exclusionary practices brought in the Eastern District of Virginia and the Federal Maritime Commission.

- One of the country's largest buyers of debt, in various class action cases under the FDCPA
- Atlantic Recording Corporation and Led Zeppelin, in contract action brought by former attorney, resulting in favorable settlement.

Intellectual Property

- 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

- 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

Education

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