

Partner

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### Practice Areas

Business & Commercial  
Litigation

Business & Finance

Class Action Defense

Construction

Intellectual Property

Products Liability

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### Bar Admissions

Louisiana, 1977

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### Education

University of Virginia School  
of Law, J.D., 1977

Louisiana State University,  
B.A., 1974, *cum laude*;  
College Honors

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Justin Ourso is a native of Baton Rouge who has practiced throughout Louisiana since 1977 and in the Patent and Trademark Office since 1978. He practices primarily in three areas: business litigation, intellectual property and trade regulation law, and media law.

Mr. Ourso's *business litigation* and regulatory practice has included contract; construction, warranty, and product liability litigation, particularly actions involving equipment, such as compressors, turbines, and chillers; bankruptcy; various federal statutory and constitutional actions, including antitrust and commerce clause litigation; professional liability; officers', directors', and partners' liability; fiduciary duties; complex procedural matters including class actions and interpleader; and state regulatory disputes involving the Louisiana Office of Alcohol and Tobacco Control and other state agencies.

Mr. Ourso's *intellectual property* litigation practice has included trademark, copyright, and patent infringement; unfair competition, unfair trade practices, and noncompetition covenants; trade secrets; and false advertising. His intellectual property practice regularly involves trademark and domain name selection and clearance counseling, strategic counseling, trademark and copyright applications, and trademark opposition and cancellation proceedings. Mr. Ourso's transactional practice, primarily in the intellectual property area, has included trademark, copyright, patent, and technology licensing agreements, and related contracts; management, distribution, employment, and noncompetition agreements; company policies, such as distribution policies; and intellectual property asset descriptions for public securities filings.

Mr. Ourso's *media law* practice has included the defense of defamation and privacy actions against newspaper publishers, television and radio broadcasters, and network news program producers; counseling television

broadcast newsrooms; and litigating actions involving reporters' privilege, courtroom access, and public records.

Mr. Ourso has been a liaison from his law firm to the International Trademark Association (formerly, United States Trademark Association) and an active participant in INTA's committee work since 1994. He is currently serving on INTA's U. S. Amicus Subcommittee, which prepares INTA's amicus briefs to the U. S. Supreme Court and other appellate courts. For details on Mr. Ourso's committee work with INTA, please [click here](#).

Mr. Ourso has also been active in the American Bar Association's Intellectual Property Law Section, serving on its Federal Trademark Legislation and State Trademark Rights Committees since 2001. He was also recently appointed as Chair of the State Trademark Rights Committee for 2008–2009. In December 2004 he was appointed to a special task force of the Section of Intellectual Property Law of the American Bar Association on the the Federal Trademark Dilution Act. The Task Force prepared proposed legislation and advised the section leadership on negotiations with INTA, the American Intellectual Property Law Association, and the staff of the House Subcommittee on the Courts, the Internet, and Intellectual Property on proposed amendments on proposed amendments to the FTDA arising from the U.S. Supreme Court's decision in *Moseley v. V Secret Catalogue, Inc.*, and other judicial decisions interpreting the FTDA.

Mr. Ourso also speaks on intellectual property and related topics. In addition to co-chairing the *Trade Dress Forum 2004*, a continuing legal education forum of the International Trademark Association on October 7-8, 2004, in New York City, he authored a paper for the seminar and spoke on the litigation panel on "Enforcing Rights in Trade Dress." Mr. Ourso has spoken and presented papers at the Louisiana State Bar Association's Intellectual Property Institute on the Federal Trademark Dilution Act and on intellectual property and related subjects, including the limited area defense of an intermediate junior user under the Lanham Act (federal trademark law) and noncompetition covenants under Louisiana law at meetings of the Intellectual Property Law Committee of the New Orleans Bar Association and a seminar sponsored by Tulane University Law School.

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### Noteworthy

- **AV® Peer Review Rating in Martindale-Hubbell.** *CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell Ratings fall into two categories—legal ability and general ethical standards.*

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### Representative Matters

#### *Business*

- Defense of the American fertilizer manufacturing subsidiary of a publicly held international natural resources company headquartered in South America in a trade secrets and unfair trade practices action in a North Louisiana state court against the manufacturer and a newly hired employee. After a three-week jury trial and an appeal, succeeded in obtaining a reversal on appeal of a \$2 million judgment (including interest) and an appellate court order that the action be dismissed.
- Counsel for a regional petroleum products marketing company for contract, litigation, regulatory, environmental, and real estate matters in Louisiana.
- Counsel for an international owner and operator of communications towers for litigation and regulatory matters in Louisiana and real estate matters in Louisiana and Texas.
- Defense of an international turbine manufacturer in consolidated state-court class actions against the owner of a chemical plant, a utility company, and the turbine manufacturer, arising from a release of sulfur trioxide at the plant by persons, including persons who resided near the plant, who allege that they were exposed to the release.
- Defense of owner of communications towers in consolidated state court injunction actions by owners of television broadcasting companies for access to towers and prosecution of counterclaim by client for breaches of tower leases. Successfully resolved in subsequent bankruptcy case filed by broadcasters prior to filing of counterclaim in state court actions.

- Counsel, with a tax partner, for a privately owned management consultant and operator of over twenty summer day camps for children on school premises in sale of assets.

#### *Intellectual Property*

- Prosecution of a breach of contract, breach of fiduciary duties, unfair trade practices, and tortious interference state court action on behalf of a technology and manufacturing client against a former employee who left and began competing using technology developed at the client's manufacturing facilities. Obtained a preliminary injunction prohibiting the former employee, his partner, and their entity from manufacturing and selling competing equipment without a noncompetition provision in the former employee's employment agreement. At the inception of the action, obtained an electronic discovery order for the production of the defendants' computers and their imaging by experts immediately upon the defendants being served with the petition. The preliminary injunction order is now on appeal and the action is proceeding toward a trial on the merits of a permanent injunction and damages.
- Counsel for an international wireless communications technology company, handling domestic trademark matters and domain name matters, including trademark prosecution and enforcement matters.
- Counsel for a regional restaurant operator, handling trademark, marketing, advertising, and web site matters, including trademark prosecution and enforcement matters.
- Defense of a children's clothing distributor and catalog retailer in copyright claim alleging infringement of registered smocking designs. Successfully resolved prior to the filing of a legal action.
- Successful prosecution and resolution of copyright infringement claim on behalf of a children's clothing distributor and catalog retailer involving smocking designs against competitor clothing retailer, after cease and desist letter and prior to the filing of a legal action.
- Local counsel for a national insurance company in trademark infringement action against Louisiana insurance company. Successfully resolved during discovery with alleged infringer changing its name.

#### *Media Law*

- Counsel for newsroom operations of a local network-affiliated television broadcaster, including successful motion to quash subpoena by NYSE-listed international chemical company operating a chemical refinery in Louisiana to broadcaster in mass tort class action seeking “outtakes” related to broadcast news programs, based upon Louisiana reporters’ privilege statute.
- Defense of newspaper publisher in defamation action by coroner against publisher and local governmental entity arising from series of articles critical of coroner. Successfully settled during discovery.
- Defense of radio broadcaster in state court defamation action presenting *res nova* issues arising from an anonymous telephone call broadcast on a public interest radio program. Succeeded in obtaining stay order from Louisiana Supreme Court after district court and state appellate court denied stay pending writ application from denial of motion for summary judgment. Louisiana First Circuit Court of Appeals then granted writ application, reversed the trial court, and dismissed the action. Louisiana Supreme Court and U.S. Supreme Court then denied plaintiff’s writ applications resulting in complete dismissal of the action.
- Defense of sugar refinery in defamation action by discharged employee. Succeeded in obtaining judgment on appeal reversing \$200,000 trial court judgment against client and dismissing action.
- Defense of entertainment magazine publisher in defamation action by New York City radio disc jockey arising from report that disc jockey was being sought for questioning in connection with a crime. Successfully settled during discovery.

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### Memberships

- American Bar Association (Member, Sections on Litigation and Intellectual Property Law, Federal Trademark Legislation Committee; and Communications Law Forum; Chair, Intellectual Property Law Section’s State Trademark Rights Committee, 2008–2009)
- Baton Rouge Bar Association
- Dillard Legal Fellow

- International Trademark Association [formerly U. S. Trademark Association] (Regulatory Analysis Committee and Chair, North American Regulatory Analysis Subcommittee, 1998–1999; Legislative Analysis Committee and Chair, New Legislation (U. S.) Subcommittee, 1997–1998; Issues & Policy Committee and Chair, Functionality As A Defense Subcommittee, 1996–1997)
- Louisiana State Bar Association (Member, Sections on Civil Law & Litigation, Intellectual Property Law, and Antitrust & Trade Regulation Law)
- New Orleans Bar Association (Member; Intellectual Property Law Committee)
- U.S. Legislation Committee (Past Chair, 1994–1996; Ad Hoc Federal Legislation Subcommittee, 1995–1996)

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#### **Court Admissions**

U.S. Supreme Court, 1995

5th Cir., 1977

11th Cir., 1981

E.D. La., 1977

M.D. La., 1983

W.D. La. ,1977