

Partner

504.582.8536

Fax: 504.589.8536

mcunningham@joneswalker.com

Practice Areas

Antitrust & Trade Regulation

Business & Finance

Class Action Defense

Corporate Compliance &
White Collar Defense

Health Care

Intellectual Property

Venture Capital & Emerging
Companies

Bar Admissions

Louisiana, 1996

Education

New York University School
of Law, LL.M., 1994

Tulane University Law
School, J.D., 1992; Senior
Managing Editor, *Tulane
Law Review*

Claremont Colleges (Pitzer
College), B.A., 1989



Mark Cunningham represents and counsels a diverse group of national and international companies in their day-to-day business operations and transactions. He maintains an active national trial and appellate practice and regularly assists clients in responding to grand jury subpoenas, civil investigative demands, cease and desist orders, and other compulsory processes from international, federal, and state regulators, including the European Commission, the Justice Department, and the Federal Trade Commission.

His recent significant engagements include defeating an application for temporary restraining order and preliminary injunction on behalf of an international concern allegedly engaged in an unlawful boycott, obtaining a preliminary injunction against a software licensee who was attempting to breach a software security device with the assistance of a hacker syndicate located in eastern Europe, obtaining permanent injunctions and damages against several businesses engaged in software counterfeiting, and obtaining a not guilty verdict on behalf of a wrongfully accused juvenile charged as an adult and facing a mandatory life sentence. Mr. Cunningham also regularly works with law enforcement agencies, including the Federal Bureau of Investigation, in confidential investigations to obtain relief for clients harmed by the criminal acts of third parties.

Noteworthy

Clerkships

- U.S. District Judge Charles Schwartz, Jr., E.D. La.
- U.S. District Judge Sarah S. Vance, E.D. La.

Presentations

- CLE Instructor, "Business Torts in Louisiana"
2005
- Moderator, "Structuring and Counseling Special Purpose Consortia, Forums, and Alliances"
2005
- Moderator, "Hot Topics in Trade Association Law and Counseling"
2004
- CLE Instructor, "Price Fixing, Bid-Rigging, Info. Exchanges & Resale Price Maintenance"
2003

Publications

- "Merchant Portfolio Litigation Risks Management"
Transaction World Magazine, September 2003
- "April Showers for VISA and MasterCard: A Legal Perspective of the VISA/MasterCard Settlement"
TransAction World Magazine, July 2003
- "Lawyer Advertising Across State Lines: Should the Louisiana Supreme Court Act?"
Around the Bar, Baton Rouge Bar Association, February 2003
- "Litigating Metatag Keyword Infringement Claims"
The IP Litigator, May 1, 1998
- "Utilitarian Design Features and Antitrust Parallels: An Economic Approach to Understanding the Functionality Defense in Trademark Litigation"
18 Hastings Communications and Entertainment Law Journal 469, 1996
- "A Complementary Existence: An Economic Assessment of the Trademark and Competition Law Interface in the European Economic Community"
10 Civil & European Law Forum 1, 1995
- "Preliminary Injunctive Relief in Patent Litigation"
35 Journal of Law & Technology 213, January 1, 1995
- "A Guide to Louisiana and Selected French Legal Materials and Citation"
67 Tulane Law Review 1303, 1993

Memberships

- Louisiana State Bar Association:
 - Secretary (2007 to date)
 - Chair, Lawyer Advertising Committee (2000–2004)
- Adjunct Professor of Antitrust Law, Loyola University New Orleans College of Law (2001 to date)
- American Bar Association:
 - Vice Chair, Trade Associations Committee, Section on Antitrust Law (2002 to date)
 - Trade Associations Committee Newsletter, Information Exchange (2003–2005)
- Assistant Editor, Antitrust Law Journal (1998–2002)
- Board of Editors, Civil Law Forum (1996–2003)
- Louisiana Bar Journal (1997–2003 and 2007 to date)
- New Orleans Pro Bono Project (Board of Directors, 2003 to date)
- WRBH Radio (Board of Directors, 1998–2007)
- New Orleans Center for the Creative Arts (Board of Directors, 1998–2001)

Court Admissions

U.S. Supreme Court, 2002

5th Cir., 1996

E.D. Ark., 1999

W.D. Ark., 1999

D. Colo., 2002

E.D. La., 1996

M.D. La., 1996

W.D. La., 1996