HUSCH BLACKWELL

Mindi S. Giftos

PARTNER

THE LINK VIRTUAL OFFICE
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OVERVIEW

Mindi is a trusted partner, advocate, advisor, and leader. She practices from Tallahassee, Florida as a member of our virtual office, The Link.

Clients turn to Mindi when they need to protect and enforce their valuable intellectual property, publicity, and contract rights, whether in federal and state courts or administrative proceedings. Mindi handles numerous trademark portfolios for clients of all sizes throughout the world and assists business with technology and other deals.

Mindi also works closely with clients to comply with evolving and complex privacy regulatory requirements, and, when necessary, quickly and effectively respond to data security incidents. Mindi is a Certified Information Privacy Professional (CIPP), so she also frequently assists clients with data privacy compliance requirements and programs in the U.S. and abroad, including HIPAA, CCPA, CPRA, and GDPR.

In addition to her role as client partner, Mindi co-leads the firm's Data Privacy and Cybersecurity and IoT/Blockchain teams. She also served as Husch Blackwell's Madison office managing partner for almost seven years. In these leadership roles, Mindi builds and fosters teams with top talent, diversity, and mutual respect. As a community leader, Mindi focuses on making her communities a better place to live, especially for young people, through her board service and pro bono/volunteer work.

Industries

Healthcare
Technology
Education

Services

Advertising & Marketing
Copyrights
Crypto, Digital Assets, & Blockchain
Data Privacy & Cybersecurity
Intellectual Property
Intellectual Property Counseling
Intellectual Property Litigation
Internet of Things
Technology Commercialization
Trademarks

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Experience

IP LITIGATION

- Represented plaintiff, online retailer and wholesaler in trademark infringement lawsuit against competitor who had adopted substantially similar brand name. After extensive discovery, parties settled matter on terms that were extremely favorable to client.
- Represented opposer, engine design and manufacturing company, in opposition proceeding before the Trademark Trial and Appeal Board (TTAB). After discovery and trial, TTAB issued precedential ruling holding that competitor could not obtain federal trade dress protection in its engine design product configuration.
- Successfully defended national healthcare association against copyright infringement claims after former volunteers and members asserted ownership rights in organization's educational materials. In addition to receiving full defense verdict on summary judgment, court awarded defendant its costs and attorneys' fees in defending action.
- Represented plaintiff, member of governing royal family, in online defamation lawsuit. During litigation, plaintiff obtained injunctive relief against online organization that had posted false and defamatory information on its website and multiple social media sites.
- Represented plaintiff, developer and supplier of animal reproduction technologies in patent and trademark litigation related to agricultural products. Matter involved simultaneous patent disputes between same parties in Canada and Germany and trademark disputes in Mexico and China. After favorable summary judgment ruling, matter settled in all jurisdictions worldwide on terms favorable to client.
- Defended manufacturer of stainless steel, multi-ply and cast aluminum cookware in false patent marking case both before and after changes to false marking remedies under Smith-Leahy America Invents Act. Matter settled on terms favorable to client after trial and passage of Smith-Leahy America Invents Act.
- Litigated and resolved intellectual property and technology disputes in state and federal courts, as well as before the U.S. Trademark Trial and Appeal Board.

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Experience

- Litigated and resolved defamation, right of privacy and right of publicity actions.
- Assisted clients in licensing, selling and acquiring intellectual property and technology assets.
- Counseled clients on identifying and protecting valuable intellectual property, including trademarks, copyrights, trade secrets and data.
- Developed and maintained enforceable confidentiality and trade secret programs.

CYBERSECURITY

- Advised client, online retailer, in response to cybersecurity incident involving payment card information. Representation included advising client on privileged investigation, communications with law enforcement, retaining and collaborating with forensic investigator, providing consumer notifications in all 50 states, as well as providing notifications to credit card brands, credit reporting agencies and state regulators. Managed investigations by numerous state regulators and successfully resolved concerns with credit card brands on favorable terms to client.
- Advised client, healthcare provider, in response to cybercriminal hacking incident and threats of ransomware deployment. Representation included advising client on privileged investigation, communications with law enforcement, retaining and collaborating with forensic investigator, and providing notification to media, affected patients, state regulators and Department of Health and Human Services (DHHS). Ongoing representation of client in DHHS investigation.
- Advised client in energy and natural resources sector after its vendor was involved in cybersecurity incident, forcing major disruption in client's business. Obtained settlement of matter on terms favorable to client.
- Advised numerous clients on dealing with aftermath of phishing attacks involving employees and release of documents or funds.

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Experience

- Obtained dismissal of lawsuits brought against clients, software company and hospitality company, following data breach incident.
- Regularly advise clients as to whether certain incidents or disclosure of information constitutes security incident that requires notification or other regulatory action.
- Routinely provided clients data breach preparedness planning.
- Responded to large and small data breaches, including those involving sensitive information (including credit card information) and hacker extortion attempts.

PRIVACY

- Regularly advise clients in all sectors regarding applicability of GDPR and other emerging data privacy regulations, including California Consumer Privacy Act and Washington privacy regulation.
- Regularly advise clients on developing and implementing privacy programs.
- Regularly review and update Terms of Use and Privacy Policies to ensure compliance with applicable regulations and/or to build consumer confidence.
- Regularly review, negotiate and draft various agreements and M&A documentation to account for appropriate privacy and security protections and controls.
- Assist clients in obtaining Privacy Shield Certification.
- Regularly recognized and addressed privacy and security issues in all levels of product development, vendor contracting and in providing products and services to customers.

BLOCKCHAIN

- Reviewed and negotiated blockchain participation agreement for client in transportation sector participating in supply chain blockchain application.

IOT

- Regularly review and negotiate all agreements in IoT product and service ecosystem.

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Experience

- Represented client, manufacturer and supplier of large equipment in preparing and implementing data sharing and licensing agreements.
- Regularly assisted clients in developing and launching IoT products and services.

INFORMATION TECHNOLOGY

- Frequently guided clients in using open source software and preparing open source policies and procedures.
- Routinely prepared and negotiated complex technology transactions.
- Regularly ensured compliance with advertising laws and regulatory guidelines.
- Developed online contests and promotions, enforceable website terms and policies, and ADA-compliant websites.
- Represented Peaksware Holdings in its sale of TrainingPeaks and TrainHeroic to Garmin Ltd. (NYSE: GRMN).

Recognition

- *Wisconsin Law Journal*, Women in the Law
- Wisconsin Super Lawyers, Rising Star
- Wisconsin Access to Justice Commission, Wisconsin Pro Bono Honor Society

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Education

- J.D., University of Florida Fredric G. Levin College of Law
  - with honors
  - Editor in Chief, *Journal of Technology Law & Policy*
  - Book Awards, Intellectual Property Litigation and Techniques of Growth Management
- B.S., Florida State University

Admissions

- Wisconsin
- Florida
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Seventh Circuit

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Community Leadership

- Greater Madison Chamber of Commerce, Director, 2016-present
- Wisconsin Technology Council, Director, 2018-2020
- Girls on the Run of South Central Wisconsin, Director, 2011-2017; Board Chair, 2013-2015
- Girls on the Run Cottage Grove, founder and coach of local chapter, 2010-2016
- Avenues to Community, Director and Board Chair, 2008-2013
- Student Expulsion and Prevention Project (StEPP), volunteer pro bono attorney, 2015-present
- Community Around the Children's Hospital (CATCH), member

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*Mindi works remotely and is licensed in Florida, practicing in Tallahassee. Contact Mindi via email or phone for in-person/virtual meetings. Use the Madison office address for mail/deliveries only.

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