



ERIC P. SCHROEDER

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BIOGRAPHY

Eric Schroeder is a leading, nationally recognized media and intellectual property attorney with extensive experience in “content,” business speech, branding and First Amendment related issues.

CIVIC INVOLVEMENT & HONORS

- The Best Lawyers in America, "Lawyer of the Year" (First Amendment Law in Atlanta), 2023
- The Best Lawyers in America, First Amendment Law, Litigation-First Amendment, Litigation-Intellectual Property, 2021 - 2024

- True Colors Theater Company – Board President and Executive Committee
- Recognized by Top Verdict as winner of one of the [Top 20 Verdicts](#) in Georgia in the year 2016 for WIKI Instrument Corp. v. Ashcroft (10th highest verdict)
- Georgia Super Lawyer Top List (2013)
- Georgia Super Lawyer (2009 – 2018, 2021-2023)
- Georgia Rising Star (2006 - 2007)
- Frazer Center – Former Board Member and Chairman

PROFESSIONAL AFFILIATIONS

- Law360, Media & Entertainment Editorial Board (2022)
- ABA Forum on Communications Law – Governing Committee
- Atlanta Sports Counsel Roundtable - Founding Member and Convenor
- Federal Bar Association, Atlanta Chapter - former President and Executive Committee

MEDIA AND INTELLECTUAL PROPERTY

Eric advises clients ranging from start-ups to Fortune 100 companies on false advertising, trademark, copyright, defamation, right of publicity, privacy and commercial litigation matters. This includes advice on unfair competition and licensing disputes, speech and communication-related issues, and regulatory issues and cases brought under the TCPA and other communication-focused statutes. In short, Eric has extensive experience on the practical and legal issues facing media, retailers, manufacturers, sports organizations and internet platform providers when they provide information directly to the public or provide a platform, which allow users to share information with other users.

Before joining the firm, Eric clerked with the Honorable William C. O'Kelley, United States District Court for the Northern District of Georgia.

Eric is the Partner in Charge of BCLP's Atlanta office. He is a past President of the Atlanta Chapter for the Federal Bar Association, and has served on its Executive Committee for several years. He currently serves on the Governing Committee of the Forum on Communications Law for the American Bar Association, is the founder and convener of the Atlanta Sports Counsel Roundtable, and President of the Board for True Colors Theater Company.

ADMISSIONS

- Georgia, 1996
- United States Court of Appeals for the Third Circuit, Sixth Circuit and Eleventh Circuit

United States District Courts for the Middle and Northern Districts of Georgia and District of Colorado

United States District Court for the Georgia Court of Appeals

Georgia Supreme Court

EDUCATION

Vanderbilt University, J.D., Order of the Coif, 1996

Duke University, A.B., 1992

RELATED CAPABILITIES

- Intellectual Property and Technology
- Retail & Consumer Products
- Sports, Media & Entertainment
- Media & First Amendment
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Marketing & Advertising
- Copyrights
- Sports & Event Financing
- Real Estate
- Business Speech
- Trade Secrets
- Telephone Consumer Protection Act (TCPA)
- Hotels & Hospitality
- Real Estate Retail
- Trademarks: Litigation
- Contract, Endorsement & Celebrity Representation
- Anti-Doping
- Sports & Event Venue Real Estate Infrastructure & Operation
- Naming Rights & Sponsorship
- Sports & Entertainment M&A
- Sports, Media & Entertainment Litigation
- Collegiate Sports

- Entertainment Industry
- Olympic & National Governing Bodies
- Professional Sports Team Representation
- Business & Commercial Disputes

EXPERIENCE

- Defended online keyword advertising program from novel state law claims, including appeals to the Court of Appeals and the Georgia Supreme Court, *Edible IP, LLC v. Google, LLC*, 313 Ga. 305 (2022)
- Lead Counsel for the pressure gauge manufacturer WIKA Instruments as a Lanham Act plaintiff in a successful false advertising and unfair competition lawsuit against an industry competitor, *Wika Instrument I, LP, f/k/a Wika Instrument Corp. v. Ashcroft, Inc.*, No. 1:13-cv-43-CAP (N.D. Ga.), after a two week trial resulted in a jury and Court awarding WIKA disgorgement of competitor's profits, injunctive relief, corrective advertising and an attorneys' fee awards under federal and state law, 2016 WL 308 3087904 (April 22, 2016) (recognized of one of the [Top 20 Verdicts](#) in Georgia in the year 2016)
- Lead Counsel for Google Inc. in successfully defending defamation, invasion of privacy and other claims arising out of a search result, *O'Kroleay v. Fastcase Inc. et al.*, 2014 WL 2881526 (M.D. Tenn.), *aff'd* 813 F.3d 352 (6th2016)
- Lead Counsel for Cable News Network, Inc. ("CNN") in several Georgia Open Records Act matters arising out of an investigation into the death of Lowndes High School student Kendrick Johnson, e.g., *Johnson v. Prine*, CA # 13-CV-1230 (Lowndes Co. Superior Ct.) (Sheriff's investigative file ordered released to CNN)
- Lead Counsel in defending invasion of privacy, right of publicity and trademark infringement claims against movie produced by large entertainment company. District court dismissed all claims.
- Lead Counsel for Northside Hospital in several reimbursement disputes with payors, e.g., *Northside Hospital, Inc. v. Blue Cross and Blue Shield of Georgia, Inc., et al.*, Fulton Superior Court, Georgia, Civil Action File No. 2013CV236377 (dispute regarding reimbursement payments; case ordered into arbitration, granting Northside's motion to compel same)
- Lead Counsel for Document Technologies, Inc. ("DTI") in the trademark dispute, *Document Technologies, Inc. v. Document Technology, Inc.*, Case No. 10-11104 (D. Mass., 2010) (case settled with DTI continuing to use the mark in dispute)

- Lead Counsel for Salesforce.com, Inc. in the trademark dispute, *Service Cloud, LLC v. Salesforce.com, Inc.*, Case No. 1:09 – CV - 2861 (N.D. Ga., 2009) (matter settled with Salesforce.com continuing to use the mark in dispute)
- Lead Counsel of Atlantic Southern Bank in a dispute concerning the use of “Atlantic” in the bank name; client was granted judgment on the claims of trademark infringement, dilution and unfair competition, *Atlantic National Bank v. Atlantic Southern Bank*, 2010 WL 5067416 (S.D. Ga.) (granting summary judgment)
- Lead Counsel for Google Inc. in defending a “misappropriation of idea” claim regarding the Google Sky program, *Cobb v. Google Inc.*, Civil Action No. 1:08-CV-0483 (N.D. Ga. 2008) (plaintiff voluntarily dismissed the case with prejudice before close of discovery)
- Lead Appellate Counsel for L-3 Communication Corp. at oral argument in affirming the denial of a motion for stay of antitrust action, *Lockheed Martin Corp., v. L-3 Communication Corp.*, 2008 WL 2333018 (11th Cir 2008)
- Lead Counsel for CNN in subpoena dispute regarding the application of reporter’s privilege, *Flynn v. Roaoke, et. al.*, 2007 WL 4564113 (N.D. Ga. 2008)
- *Clear Channel Outdoor Inc. v. Corey et. al.*, 299 Ga. App. 487, 683 S.E.2d 27 (Ga. App. 2009) (affirming \$4.9 million jury award for client Clear Channel for competing billboard owners’ violation of non-compete agreement)
- *Cohn v. Corinthian College, Inc. and Angels Baseball LLP*, 169 Cal. App. 4th 523 (Cal. App. 2008) (affirming summary judgment granted to client Los Angeles Angels of Anaheim in class action alleging that the team’s Mother’s Day promotion discriminated against males and violated California’s Unruh Act)
- *Stern v. O’Quinn*, 253 F.R.D. 663 (S.D. Fla. 2008) (granting motion to compel, ruling that defendants had waived work product protection for investigative materials purportedly supporting the accusation that plaintiff murdered his companion and her son for his financial gain)
- *Griffin Industries, Inc. v. Green*, 280 Ga. App. 858, 635 S.E.2d 231 (2006) (vacating and remanding order granting class action status)
- *Satterfield v. Southern Regional Health System*, 280 Ga. App. 584, 634 S.E.2d 530 (2006) (affirming dismissal of proposed class action brought by uninsured patients against not-for-profit hospital system)
- *Atlanta Multispecialty Surgical Associates, LLC v. DeKalb Medical Center, Inc.*, 273 Ga. App. 355, 615 S.E.2d 166, 05 FCDR 1651, Ga.App., May 20, 2005 (NO. A05A0789) (affirming

summary judgment entered against provider of surgical assistants on claims of defamation and breach of contract after hospital started hiring competing surgical assistant providers)

- *Atlanta Journal Constitution, USA TODAY et al. v. City of Atlanta, et al.*, 442 F.3d 1283 (11th Cir. 2006) (affirming award of over \$650,000 in attorney's fees to client USA TODAY); *Atlanta Journal Constitution, USA TODAY, et al. v. City of Atlanta, et al.*, 322 F.3d 1298 (11th Cir. 2003) (affirming ruling that 1996 newsrack plan at Hartsfield Airport was unconstitutional)
- *Wolf v. Ramsey*, 253 F.Supp.2d 1323 (N.D.Ga. 2003) (granting summary judgment on libel claims filed against clients John and Patsy Ramsey; court ruled that no reasonable jury could find that the Ramseys were involved in the murder of JonBenet Ramsey); *Hoffman-Pugh v. Ramsey*, 312 F.3d 1222 (11th Cir. 2002) (affirming dismissal of libel claim filed against John and Patsy Ramsey)

RESOURCES

PUBLICATIONS

- Co-Author, ["When Copyright First Met the Digital World: A Retrospective and Discussion of New York Times v. Tasini, 533 U.S. 483 \(2001\),"](#) *The Communications Lawyer*, Summer 2021
- "A Brief Overview on Ticket Scalping Laws, Secondary Ticket Markets, and the StubHub Effect," ABA's *Entertainment and Sports Lawyer*, co-authored with John Bush, Josh Fisher, and John Orbe, November 2012
- "Trademarks, The Internet And The New Social Media: A Fresh Battleground For Old Principles," *Recent Trends In Trademark Protection - Leading Lawyers On Analyzing Recent Decisions and Adapting to Evolutions In Trademark Law*, the Aspatore INSIDE THE MINDS series (2009 Aspatore/Thomson Reuters)
- "A New Era in Recognizing Federal Evidentiary Privileges", *For The Defense*, November 2008
- "Georgia's Limitation of the 'Intracorporate Publication' Defamation Defense," *LexisNexis*, co-authored with Ann Ferebee, May 2008
- "False Advertising: Eleventh Circuit Makes It Harder for Franchisees to Bring Cases Against Franchisors," Law Journal Newsletter's *Franchising Business & Law Alert*, April 2008
- "Interlocutory Appeals Under 28 U.S.C. section 1292(b): Turning Vinegar Into Wine," *Certworthy, DRI Appellate Committee Newsletter*, Winter 2006

- “Recent Changes in The Law of Judicial Elections; Judicial Professionalism in a New Era of Judicial Selection,” *Mercer Law Review*, Spring 2005

SPEAKING ENGAGEMENTS

- D.C. Bar’s Arts, Entertainment, Media and Sports Law Community Monthly Media Law Meeting. Eric presented with Brian Underwood on representing CNN in *Donald J. Trump for President, Inc. v. CNN Broadcasting, Inc.*, 500 F.Supp.3d 1349, 2020 WL 6608327 (N.D. Ga. Nov. 12, 2020), where they helped CNN successfully dismiss the libel case brought by the Trump Campaign over an op-ed published on CNN.com, 2021.

RELATED INSIGHTS

Insights

Nov 14, 2024

AI & Your Business: Libel Risks

As lawyers who often defend defamation suits, we know from experience that it’s not just media defendants who are sued for libel. Defamation suits are routinely filed against all sorts of businesses, arising from all kinds of content and communications. As the pressure to compete pushes more businesses to incorporate generative AI into their content-creation processes, it is important to be mindful of the different ways a libel lawsuit might arise. This applies to text, images, video, audio, and all other types of content and information. We expect to see a flurry of cases stemming from AI-generated content in the coming years falling into one of these four general categories: Libel by juxtaposition: This can result where truthful information about two different individuals or entities is juxtaposed as part of generative AI output, making it seem like the output is about the same person or entity. Libel by hallucination:...

Awards

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News

Apr 05, 2022

BCLP Team Advises Neenah, Inc., in \$3B Merger of Equals

News

Dec 09, 2021

Partner Named Board President for True Colors Theatre Company

Insights

October 12, 2021

Attorneys author article over College Athlete Endorsement Law in Law360

News

Sep 27, 2021

BCLP in Multiple Outlets for Google Dismissal

News

Sep 24, 2021

Firm Celebrates Life of Colleague John Marshall