

JACOB LINCOLN TRACER, Partner

Jacob Tracer is a partner in the firm's nationally recognized Content, Media and Entertainment Practice. His practice focuses on litigating and counseling clients regarding intellectual property and complex commercial disputes, primarily matters related to copyrights, trademarks, trade secrets, contracts, and business torts. He is also a member of the firm's International Arbitration Practice.

Mr. Tracer's experience includes representing clients at every stage of litigation, including trials and arbitration hearings. Many of his matters involve novel and complex copyright issues, particularly in cases where copyright law is applied to new technologies.

Mr. Tracer also maintains an active pro bono practice. For example, he recently helped lead a team that obtained a significant settlement on behalf of a class of Army veterans who developed post-traumatic stress disorder or other mental health conditions during their service. That settlement was featured in numerous news reports, including in [*The New York Times*](#) and [*The Washington Post*](#).

Mr. Tracer received his JD *cum laude* from New York University School of Law, where he received the Judge Abraham Lieberman Award for outstanding scholarship in the area of criminal law, worked as an articles editor for the *Annual Survey of American Law*, and was a member of the Civil Rights Clinic. He previously graduated *summa cum laude* and Phi Beta Kappa from the University of California, Los Angeles and also received a Master's degree from Columbia University's Graduate School of Journalism.

Mr. Tracer has also served as a law clerk for the Honorable Jon O. Newman of the United States Court of Appeals for the Second Circuit and the Honorable Ronnie Abrams of the United States District Court for the Southern District of New York.

Prior to attending law school, Mr. Tracer worked as an editor on the syndication desk of *The New York Times*.

Representative matters of Mr. Tracer's include:

- [*UMG Recordings, Inc., et al. v. Grande Communications \(W.D. Tex.\)*](#) and [*UMG Recordings, Inc., et al. v. RCN Telecom Services, LLC et al. \(D.N.J.\)*](#): Representing the RIAA in two separate copyright infringement actions against two ISPs – Grande Communications and its sibling company RCN Telecom Services – for allowing customers to commit massive infringement using BitTorrent.
- [*UAB "Planner5D" v. Facebook Inc. et al. \(N.D. Cal.\)*](#): Representing Princeton University in an action brought by a Lithuanian website alleging copyright infringement and misappropriation of trade secrets against Princeton and Facebook for using digital images and data files from the plaintiff's site as part of ongoing research into machine vision.
- [*MGFB Properties, Inc. v. ViacomCBS Inc. \(N.D. Fla.\)*](#): Representing ViacomCBS and 495 Productions in trademark infringement action brought by owners of the Flora-Bama Lounge, Package & Oyster Bar related to title



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PRACTICE GROUPS

Content, Media and Entertainment
International Arbitration
Litigation
Trademark, Advertising and Unfair
Competition Practice

EDUCATION

New York University School of Law, JD, 2012; *cum laude*; Judge Abraham Lieberman Award for outstanding scholarship in the area of criminal law; Civil Rights Clinic; Article Editor, *Annual Survey of American Law*

Columbia University Graduate School of Journalism, MS, 2007

University of California, Los Angeles, BA, 2006; *summa cum laude*; Phi Beta Kappa; English Departmental Honors; Helen F. Caldwell Prize for outstanding classics minor

ADMISSIONS

New York, 2013

COURT ADMISSIONS

US District Court, Southern District of New York, 2013

US District Court, Eastern District of New York, 2013

JUDICIAL CLERKSHIPS

Hon. Jon O. Newman, US Court of Appeals, Second Circuit, 2016 - 2017

Hon. Ronnie Abrams, US District Court, Southern District of New York, 2015 - 2016

of *MTV Floribama Shore*.

- Successfully defended a manufacturing company against all claims for damages in a multi-party ICC arbitration concerning claims for hundreds of millions of dollars.

Representative pro bono matters include:

- *Wittes v. Dep't of Homeland Security (D.D.C.)*: Representing journalist in FOIA litigation seeking DHS records related to intelligence reports generated based on surveillance of First Amendment protected activity.
- *Kennedy v. McCarthy (D. Conn.)*: Obtained classwide settlement on behalf of Army veterans who received less-than-Honorable discharges due to misconduct attributable to PTSD or other mental health conditions. As a result of the settlement, the Army agreed to reconsider thousands of its discharge status decisions.
- *Akiho v. LeBoeuf (S.D.N.Y.)*: Obtained settlement on behalf of contemporary music composer who alleged that another work infringed the copyright in one of his compositions.
- *Jam v. Int'l Finance Corp. (US Supreme Court)*: Filed amicus brief on behalf of Professors of International Organization and International Law.

Service to the Bar

- New York City Bar Association
Member, 2019 – present
Copyright & Literary Property Committee, 2019 – present
- Federal Bar Council
Member, 2015 – present

Awards

- Jenner & Block Mentorship Award, 2020

Industry Organizations

- Copyright Society of the USA
Member

Publications

- Co-Author, "US Supreme Court Holds that Mistakes of Both Law and Fact Can Excuse Inaccurate Copyright Registrations," *Intellectual Property & Technology Law Journal*, Volume 34, Number 6, June 2022
- Copyright 2022, Getting the Deal Through, May 25, 2022
- Co-Author, Client Alert: Supreme Court Holds that Mistakes of Both Law and Fact Can Excuse Inaccurate Copyright Registrations, March 4, 2022
- Co-Author, "NY Art Disputes Highlight Fame's Role In Copyright Suits," *Law360*, October 7, 2020
- Co-Author, "Arbitration by Estoppel: An Analysis of the Equities," *Mealey's International Arbitration Report*, December 4, 2019

