



TIMOTHY C. DOUGHERTY

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PRACTICE AREAS

eControl

Intellectual Property,
Entertainment, and Technology
Protection

Litigation

Privacy & Data Security

INDUSTRIES

Financial Services

Transportation and Logistics

EDUCATION

Vanderbilt University Law
School, J.D., 2015

Vanderbilt Law Review, notes
editor

University of Notre Dame, B.A.,
2007, *cum laude*

BAR AND COURT ADMISSIONS

Ohio

*Admitted to practice law only in
the states listed above.*

Tim is a litigation associate in the Vorys Cincinnati office. Tim's litigation practice focuses on commercial litigation, trademark and copyright litigation, defamation and First Amendment law, and appellate litigation. Tim also supports the Vorys eControl technology and intellectual property group, where he manages litigation in response to false advertising and other unlawful online conduct, and he assists clients with brand protection and product diversion prevention.

Tim has contributed to the defense of manufacturers, retailers, financial institutions, and energy companies on various matters. Tim has counseled clients in conducting risk analyses and review of insurance coverage issues, and he has protected insurance companies from beneficiary disputes. Tim has represented universities and transportation logistics companies to enforce their contractual rights. Tim also has experience in various aspects of transportation law, including the application of the Carmack Amendment, defending and subrogating cargo damage claims, and vicarious liability for shippers and brokers.

For the Vorys eControl team, Tim helps clients manage product diversion problems created by the rise of online marketplaces and misleading online advertising. His experience includes managing enforcement strategies against unauthorized diverters of grey market products, counterfeit goods, and materially different products infringing on client trademarks. From forensic investigation to litigation and enforcement of judgments, Tim has obtained successful outcomes for his clients to protect their brands.

Tim's notable experiences include:

- Obtaining dismissal of multi-million dollar fraud and breach of contract claims against a large financial institution
- Defeating class certification of a proposed class of online sellers
- Obtaining dismissal of antitrust claims against a retailer
- Obtaining numerous judgments, removal of product listings, and attorneys' fee awards against online sellers
- Obtaining an appellate decision reversing for abuse of discretion two trial court decisions that limited the applicable timeframe of a defendant's potential liability
- Obtaining a decision levying prejudicial sanctions on defendants for their failures to meaningfully cooperate in discovery
- Assisting in obtaining a favorable resolution to enforce multi-million dollar contractual obligations in a federal district court action
- Assisting in securing a favorable resolution for an industrial property owner in a multi-million dollar dispute over noise nuisance and property liability
- Leading sophisticated forensic investigations of online sellers and other tortious online actors

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- Obtaining favorable settlements in actions involving false and misleading online sales listings, violations of the Lanham Act, and violations of consumer protection statutes
- Defeating motions to dismiss complaints asserting violations of the Lanham Act against unauthorized online sellers
- Substantially defeating motion to compel arbitration
- Obtaining judgments and favorable settlements for clients in the transportation and logistics industry
- Obtaining orders authorizing electronic service methods on online sellers conducting business outside the United States
- Obtaining a favorable settlement in a *pro bono* property liability dispute
- Obtaining a favorable settlement against a contractor in a *pro bono* action alleging negligence and violations of Ohio consumer protection laws

While at Vanderbilt University Law School, Tim clerked at the Tennessee Attorney General's Civil Rights and Claims Division, where he assisted in defending against First Amendment lawsuits, and the U.S. Attorney's Office for the Middle District of Tennessee, where he assisted in drafting pre-trial and post-trial motions. Prior to law school, Tim was the managing editor of member publications for the American Academy of Actuaries and a freelance magazine writer.

Insights

"*Client Alert: Supreme Court Cert Denial Leaves Confusion in Determining Standing in Class Action Data Breach Cases,*" March 28, 2018

"*Whitepaper: Consumer Class Actions Arising from Data Breaches Present a Battleground for Standing to Bring Suit,*" February 20, 2017