



DANIEL N. GUISBOND

Partner

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Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, DISH, Eli Lilly, Estee Lauder, Pandora, Whirlpool, and Yahoo—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

EDUCATION

Fordham University School of Law,
J.D., 2010, *Fordham Law Review*

Cornell University, B.A., 2005,
Government

OTHER EXPERIENCE

Winston & Strawn LLP
Dewey Ballantine LLP

ADMISSIONS

Colorado
New York

HIGHLIGHTS

- Represented a civil rights organization in certiorari and merits-stage briefing before the U.S. Supreme Court in a Fourth Amendment case with national implications.
- Representing an electric cooperative in an eight-figure fee dispute with its wholesale provider in federal court in South Carolina.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company.
- Obtained relief for a nonprofit organ recovery and transplantation company in a trademark dispute against a hospital technology software company. The infringer changed its name as a result of WTO's efforts. Claims included trademark infringement, false designation or origin, passing off, and false advertising.

INDUSTRIES

- Consumer Products & Services
- Oil & Gas
- Cannabis
- Energy
- Telecommunications
- Real Estate

PRACTICE AREAS

- Commercial Litigation
- Intellectual Property
- Class Actions
- Securities Litigation & Enforcement Defense

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BIOGRAPHY

Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, DISH, Eli Lilly, Estee Lauder, Pandora, Whirlpool, and Yahoo—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

In addition to his broader commercial experience, Dan maintains a soft intellectual property practice, primarily involving copyright and trademark-related issues in the technology, digital media, and entertainment fields. He is an experienced advocate at all phases of litigation—from inception through appeal—and has handled matters in federal and state courts across the country.

CASES

Commercial Litigation

- Representing an electric cooperative in an eight-figure fee dispute with its wholesale provider in federal court in South Carolina.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Serving as lead national trial counsel to a major U.S. distributor of vaping products in federal multidistrict litigation in California. WTO is liaison counsel to all of the distributor defendants in the litigation.
- Representing an oil and gas company against claims brought by a city board of commissioners alleging that WTO's client is responsible for consequences of climate change.
- Representing a real estate developer facing breach of fiduciary claims brought by a municipal district seeking damages.
- Representing an electric cooperative in an exit fee dispute with its wholesale provider.
- Won a judgment for a major television provider in a contract dispute with a former business partner.
- Won a successful settlement for a luxury credit card company in a commercial dispute with a major payment processing network.
- Successfully represented the board member of a cannabis company in an arbitration involving claims of breach of fiduciary duty.

DANIEL N. GUISBOND

- Representing a hospitality company that defaulted on a loan due to the economic impact of COVID-19.
- Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.
- Won favorable settlement for the CEO and founder of a major television company in a shareholder dispute following the merger of two sister companies.
- Won summary judgment for a major insurer in a fraud suit.
- Won favorable settlement for a private equity company in a contract dispute between two co-developers of a solar energy project.
- Represented a major kitchen appliance manufacturer in a class action alleging false advertising of the company's blenders.
- Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
- Represented a major consumer goods company in a multibillion-dollar dispute against 48 U.S. states and territories regarding payments owed under an earlier settlement agreement.
- Represented the NFL Players Association and NFL players in workers' compensation disputes with the NFL Management Council and its member clubs.

Soft Intellectual Property and False Advertising

- Obtained relief for a nonprofit organ recovery and transplantation company in a trademark dispute against a hospital technology software company. The infringer changed its name as a result of WTO's efforts. Claims included trademark infringement, false designation or origin, passing off, and false advertising.
- Represented a Fortune 500 pharmaceutical company that sued a competitor for trademark infringement, false designation of origin, unfair competition, and false advertising, resulting in a favorable settlement for our client.
- Represented an industry leading inter-dealer broker in a multimillion-dollar dispute alleging corporate raiding and misappropriation of trade secrets.
- Represented a major fashion house in an employee defection and trade secret dispute with a major rival.

DANIEL N. GUISBOND

- Represented an international investment bank in a copyright infringement dispute in the Southern District of New York.
- Represented a major digital service provider in "Phonorecords III" royalty rate-setting proceedings before the Copyright Royalty Board.
- Represented a digital service provider in a copyright infringement suit against more than 20 music publishing companies.
- Represented a new-media disrupter in a copyright infringement suit brought by 17 major television broadcast networks, assisting in securing significant victories in both the Southern District of New York and the Second Circuit.
- Represented an international consumer electronics company in a dispute regarding ownership of and rights to an iconic trademark in the consumer electronics industry.

Securities Litigation & Enforcement Defense

- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.

Pro Bono

- Represented a civil rights organization in certiorari and merits-stage briefing before the U.S. Supreme Court in a Fourth Amendment case with national implications.
- Conducted an unprecedented review of thousands of criminal cases, occurring between 1985 and 1999, contributing to the exoneration of numerous persons who were wrongly convicted on the basis of improper microscopic hair comparison analyses and related expert testimony provided by the FBI.
- Represented a holocaust survivor in his application for a one-time German Ghetto Work Program reparations payment.
- Represented a former U.S. Marine in his application to correct his military records in the wake of the repeal of Don't Ask, Don't Tell.

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BAR & COURT ADMISSIONS

Colorado

New York

U.S. District Court, D. Colorado

U.S. District Court, E.D. New York

U.S. District Court, S.D. New York

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Super Lawyers - New York Rising Stars

Intellectual Property Litigation 2014-2018

The Best Lawyers in America

Ones to Watch - Commercial Litigation, 2023-2025

Ones to Watch - Intellectual Property Law, 2023-2025

American Bar Association

Colorado Bar Association

Denver Bar Association

ARTICLES & PRESENTATIONS

- "Jailbroken: Future of Interoperability Exemptions Under the DMCA," New York Law Journal, Vol. 249—No. 112, (June 12, 2013).

PERSONAL INTERESTS

- Running, reading, skiing, traveling, and watching college basketball