



# Melissa E. Scott

Partner

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An experienced attorney, Melissa is a partner in the Intellectual Property and Litigation Departments. She has earned an exceptional reputation providing savvy legal advice to clients to develop, grow, protect and enforce their intellectual property rights, particularly in the areas of trademark, trade dress and copyright. Melissa's clients range from small family-owned businesses to large multimillion-dollar corporations with domestic and international business footprints.

She is a strategic and resourceful attorney with substantial experience in trademark prosecution, as well as in prosecuting and defending against trademark opposition and cancellation proceedings domestically and abroad. She represents several clients with large national and international trademark portfolios, as well as clients in trademark, trade dress and copyright infringement matters pending in federal district court.

Melissa's practice also includes both state and federal court appellate matters. Of particular note, she served in key roles on multiple appellate teams that secured decisions effecting significant changes in Pennsylvania law.

A litigator for 18 years, Melissa has also represented clients in a wide variety of commercial disputes.

Melissa is a regular contributor to [Above the Fold](#), the firm's trademark and copyright blog. She has also authored and contributed to numerous articles and served as a legal reviewer.

## Services

- Intellectual Property
- Litigation
- IP Litigation
- Trademarks
- Copyrights
- Appellate Practice

## **Representative Matters\***

- Defended one of the world's largest internet domain name registrars against allegations of infringing a patent purportedly claiming a device and method for communicating client due date reminders and receiving replies to the reminders over the Internet.
- Represented a leading juvenile products manufacturer in an infringement action against a competitor, alleging infringement of a patent covering multiple aspects of a folding children's stroller.
- Defended a major stock exchange against allegations of infringing a patent purportedly claiming a method for valuing "expiration-less" stock options.
- Secured the precedential decision in *Andrews v. Cross Atlantic Capital Partners, Inc.*, 158 A.3d 123 (Pa. Super. Ct. 2017), overruling *Signora v. Liberty Travel, Inc.*, 887 A.2d 284 (Pa. Super. Ct. 2005) and holding that an employee's receipt of prejudgment interest for his breach of contract claim for unpaid wages did not preclude the employee's recovery of liquidated damages under Pennsylvania's Wage Payment and Collection Law.
- Secured the 84-page precedential decision in *Krishnan v. The Cutler Group, Inc.*, 171 A.3d 856 (Pa. Super. Ct. 2017), clarifying the standard of proof required for claims under Pennsylvania's Unfair Trade Practices and Consumer Protection Law, reaffirming that a plaintiff need not leave his home to demonstrate a violation of the implied warranty of habitability, requiring that any disclaimer of implied warranty rights be explicitly stated, and reaffirming that a trial court should calculate an award of attorneys' fees using the lodestar approach.
- Defended a major pharmaceutical company in a private product liability arbitration involving more than 600 personal injury claims related to a pharmaceutical product.

\*Results may vary depending on your particular facts and legal circumstances.

## **Before Fox Rothschild**

Prior to joining Fox Rothschild, Melissa was an associate at two national law firms as well as an international law firm.

While in law school, Melissa served as Executive Editor for the *Temple Law Review* as well as a teaching assistant for the Director of Legal Research and Writing Program.

## **Beyond Fox Rothschild**

Melissa is a member of the Board of Directors for Open Hearth Inc., a nonprofit located in Chester County, PA that provides innovative programs to support and empower people to end the cycle of homelessness, acquire affordable housing, transportation, workforce opportunities and achieve financial stability.

## **Client Resources**

### Above the Fold

Melissa is a regular contributor to Above the Fold, the firm's trademark and copyright blog.

## **Bar Admissions**

- Pennsylvania
- New Jersey

## **Court Admissions**

- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, District of New Jersey

## **Education**

- Temple University James E. Beasley School of Law (J.D., *cum laude*, 2004)

- George Washington University (B.A., 2001)

### **Board of Directors**

Open Hearth Inc.