



Bryan Sterba

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Bryan offers intellectual property, technology, and data security-related advice and counsel to clients across a broad spectrum of industries, including the financial, media, and advertising sectors. He works diligently with clients on the full range of intellectual property issues that arise in M&A and licensing contracts, as well as counsels global and national funds (including private equity, hedge, and distressed funds) and other clients on the IP and IT issues involved in complex public and private asset or stock acquisitions, LBOs, and divestitures. He also advises clients on transition and long-term services agreements in connection with carve-out transactions for seamless transitions at closing.

Bryan negotiates the intellectual property provisions of M&A/private equity transactional documents. He also negotiates, drafts, and reviews technology licensing and master service agreements, collaborating closely with clients and vendors to craft such contracts. Bryan's work on both the licensor and licensee side of transactions gives him a broad perspective and allows him to craft creative solutions to meet client needs.

His background also includes drafting license agreements, Uniform Domain Name Dispute Resolution Policy (UDRP) complaints, trademark applications, statements of use, consent agreements, and cease-and-desist letters. He has also performed trademark searches and managed client trademark portfolios.

Bryan's data security and privacy experience includes counseling clients on an array of cybersecurity and privacy issues. This advice includes SEC-mandated data security and cybersecurity vendor management practices and policies, U.S. and EU standards for processing personally identifiable information (PII), requirements governing data scraping and other data access practices, and appropriate responses to data breaches involving the release of PII.

NEWS & INSIGHTS

Publications

- > September 14, 2021
"Right of Publicity Laws: New Jersey," *Practical Law*
Matt Savare, Jenna-Marie Tracy, Bryan Sterba
- > September 10, 2021
"What's in a Name (Image or Likeness)? Quite a Bit for Star College Athletes," *Sports Litigation Alert*
Matt Savare, Bryan Sterba
- > June 15, 2021
"Supreme Court Grants Certiorari in Web Scraping Case hiQ v. LinkedIn," *The Tech Group and White Collar Criminal Defense Client Alert*
Mark P. Kessler, Kathleen A. McGee, Bryan Sterba
- > June 22, 2020
"Some going concerns: A primer on intellectual property issues in bankruptcy for licensors and licensees," *Westlaw Journal Bankruptcy*
Bryan Sterba, Matt Savare, Philip J. Gross
- > April 14, 2020
"Don't open yourself to problems: Open source technology and M&A due diligence," *Westlaw Mergers & Acquisitions*
Matt Savare, Bryan Sterba
- > February 25, 2020
"M&A due diligence: A primer on transactions involving private sellers," *Westlaw Mergers & Acquisitions*
Matt Savare, Bryan Sterba
- > November 20, 2019
"Legal Guide for Direct Brands," *IAB*
Matt Savare, Bryan Sterba
- > May 6, 2019

"How to Avoid Common IP Mistakes Made by Early-Stage Companies—Part 2: Copyrights, Open Source Software, and Trade Secrets," *Lowenstein Sandler LLP*

Mark P. Kessler, Bryan Sterba

In the Media

> May 13, 2021

Lowenstein's representation of **PeriGen Inc.** (PeriGen), a leading provider of perinatal health care software solutions, in its sale to Halma plc is noted in the **Global Legal Chronicle**. The Lowenstein deal team includes **Sam E. Khan, Christopher C. Henry, Rachel Ingwer, Lauren M. Troeller, Diana Kim, Kimberly E. Lomot, Megan Monson, Taryn E. Cannataro, Eric Jesse, Bryan Sterba, Matthew P. Hintz, David Toma, James C. Shehan, Edgar R. Hidalgo CIPP/US, Mark S. Heinzlmann, Emily B. Sklar, Megan Williams, Latoya Bethune, and Amanda Sewanan.** *View Lowenstein's news announcement about this transaction.*

> March 9, 2020

Lowenstein's representation of **Computershare Limited** in entering into a binding agreement to acquire the business and assets of Corporate Creations Enterprises LLC is noted in the **Global Legal Chronicle**. The Lowenstein team included **Jonathan C. Wishnia, Eric Swartz, Bianka V. Barraza, Madeline Roe, Brian A. Silikovitz, Kristin V. Taylor, Julie Levinson Werner, Megan Monson, Taryn E. Cannataro, Stuart S. Yusem, Bryan Sterba, Jenna-Marie Tracy, Matthew P. Hintz, Matthew M. Oliver, Michael T. G. Long, Michael C. Townsend, and Eric Jesse.**

> January 6; January 24, 2020

Lowenstein's role representing independent private equity firm **NexPhase Capital, LP** in its newly announced strategic partnership with DealerOn, Inc., a leading website and digital marketing company serving the retail automotive industry, was mentioned in **citybizlist, Automotive News, The Banks Report, Cision PR Newswire, and AutoSuccess**. The Lowenstein deal team included **Christopher C. Henry, Andrew P. Erdmann, Alexander Brooks, Matt Savare, Theodore C. Sica, Michael Walutes, Julie Levinson Werner, Eric Jesse, Megan Monson, Bianka V. Barraza, Chelsea P. Ferrette, Carly S. Penner, Bryan Sterba, Matthew Tippy, Vikram Paul, and Serena Ward.** *View Lowenstein's news announcement about this transaction.*

> January 9-14, 2020

Lowenstein's representation of **PVH Corp.** [NYSE:PVH] in its definitive agreement to sell its Speedo North America business to Pentland Group for \$170 million in cash is highlighted in **Law360, Bloomberg Law, Retail Dive, Financial News, and the Global Legal Chronicle**. The Lowenstein deal team included **Marita A. Makinen, Andrew P. Erdmann, Doreen M. Edelman, Andrew E. Graw, Darren Goodman, Mary J. Hildebrand, Matt Savare, Michael Walutes, Jeffrey M. Shapiro, Jack Sidorov, Abbey E. Baker, Manali Joglekar, Justin Gindi, Sophia Mokotoff, Nicole Rae Morales, Bryan Sterba, and Vikram Paul.** The PVH team included Mark Fischer, Jeffrey Hellman, and Meredith Felz (Legal), along with Dana Perlman and Lina Yoo (In-house Deal Makers). *(subscription required to access certain content) View Lowenstein's news announcement about this transaction.*

> November 18-26, 2019

Lowenstein's representation of **The Estée Lauder Companies Inc.** in its acquisition of the shares that the company does not already beneficially own in Have & Be Co. Ltd., the Seoul-based, global skin care company behind Dr. Jart+ and men's grooming brand Do The Right Thing, is noted in **Mergers & Acquisitions, Yahoo! Finance, Digital Commerce 360, PYMNTS.com, the Global Legal Chronicle, The Deal (article, deal listing), Law360, Business Wire, Bloomberg, and The Beauty Influencers.** Led by partner **Marita A. Makinen,** the Lowenstein deal team includes **Gina M. Seong, Darren Goodman, Doreen M. Edelman, Mary J. Hildebrand, Matt Savare, Michael Walutes, Jack Sidorov, Abbey E. Baker, Kate Basmagian, Manali Joglekar, Taryn E. Cannataro, Sophia Mokotoff, Carly S. Penner, Bryan Sterba, and Matthew Tippy.** *(subscription required to access article) View Lowenstein's news announcement about this transaction.*

> November 11; November 14, 2019

Lowenstein Sandler's representation of **ZMC** in its investment in **CommentSold, Inc.** is noted in **The PE Hub Network, Business Wire, Financial News, and the Global Legal Chronicle**. The Lowenstein team included **Steven E. Siesser, Lesley P. Adamo, Elisia M. Klinka, Darren Goodman, Julie Levinson Werner, Anita L. Chapdelaine, Nicole Rae Morales, Nicole Stefanelli, Megan Monson, Eric Jesse, Sophia Mokotoff, Carly S. Penner, Bryan Sterba, Manali Joglekar, Mark P. Kessler, Daniel A. Suckerman, Kimberly E. Lomot, and Doreen M. Edelman.** *View Lowenstein's news announcement about this transaction.*

> November 9, 2019

Lowenstein's representation of **W2O,** the leading independent provider of analytics-driven, digital-first marketing communications to the health care sector, in the acquisition of Arcus Medica, a recognized leader in medical and scientific communications, highlighted in the **Global Legal Chronicle**. The Lowenstein deal team included **David L. Goret, Marita A. Makinen, Andrew P. Erdmann, Matthew Tippy, Eugene R. Cheval, Tracy F. Buffer, Michael Walutes, Sophia Mokotoff, Megan Monson, Matt Savare, Bryan Sterba, Mary J. Hildebrand, Manali Joglekar, Carly S. Penner, Amy Komoroski Wiwi, and James C. Shehan.** *View Lowenstein's news announcement about this transaction.*

> October 3-7; November 8, 2019

Lowenstein's representation of NexPhase Capital in its investment in Popcornopolis was reported in **Business Wire, the Valdosta Daily Times, Bloomberg Law – Big Law Business, The Tullahoma Tennessee News, Mergers & Acquisitions, and the Global Legal Chronicle**. The Lowenstein team included **Christopher C. Henry, Michael Walutes, Matt Savare, Vanessa A. Ignacio, Julie Levinson Werner, James C. Shehan, Eric Jesse, Sabrina Cua, Bryan Sterba, Megan Monson, and Lauren M. Troeller.** *View Lowenstein's news announcement about this transaction.*

> February 6-8; March 9, 2019

Lowenstein Sandler's role as legal counsel to New Mountain Capital and portfolio company Topix Pharmaceuticals, Inc. in connection with the acquisition by Topix of ClarityRx Clinical Skin Care, Inc. is highlighted in **The PE Hub Network, Business Wire, the San Fernando Valley Business Journal, Cosmetics Technology, and the Global Legal Chronicle**. (Lowenstein deal team: **Marita A. Makinen, David L. Goret, Michael Walutes, Matt Savare, Vanessa A. Ignacio, Anthony W. Raymundo, Megan Monson, Bryan Sterba, and Jacob D. Unger.**) *View Lowenstein's news announcement about this transaction.*

> February 21-March 7, 2019

Matt Savare and **Bryan Sterba** address the major elements of open-source software (OSS) and how it is being utilized by fund managers, in an interview with the **Hedge Fund Law Report**. In the first of a three-part series, Savare explains blockchain's relation to open source, and how it can facilitate the settlement of international transactions in a fraction of the standard time. Sterba provides insight into the workings of copyleft licenses, including how some organizations navigate stringent licensing requirements. In part two, Savare

and Sterba discuss the benefits of OSS, including its proper use and how it can equal cost savings if implemented correctly, as well as the security risks and license restrictions. In part three, Savare and Sterba evaluate actions fund managers can take to mitigate OSS risks, including policies, procedures and controls to adopt; ways to deal with third-party vendors; and due diligence.

> January 24, 2019

The PE Hub Network, The Deal, and **Law360 (December 12, 2018; January 24, 2019)** note Lowenstein Sandler as lead counsel to Cerberus Capital Management, L.P. in its acquisition of Sparton Corporation (NYSE: SPA). (Lowenstein deal team: **Marita A. Makinen, Robert G. Minion, Jeffrey Blumenfeld, Mary J. Hildebrand, Nicholas G. Mehler, Christine Osvald-Mruz, Matt Savare, Jeffrey M. Shapiro, James C. Shehan, Michael Walutes, Jack Sidorov, Norman W. Spindel, Stuart S. Yusem, Manali Joglekar, Sabrina Cua, Allison Gabala, Megan Monson, Alex H. Rosenthal, Bryan Sterba**, Matthew Tippy, **Lauren E. Killeen**, and **Lauren M. Troeller**.) *(subscription required to view certain content)*
View Lowenstein's news announcement about this transaction.

> January 7, 2019

Lowenstein Sandler is noted as lead counsel to Vesey Street Capital Partners, LLC (VSCP) in their recapitalization of Elite Body Sculpture as published in **The PE Hub Network, Cision PR Newswire**, and **The Business Journals** (Lowenstein deal team: **Marc B. Kramer, Brooke A. Gillar, Steven E. Siesser, Lowell A. Citron, Michael Walutes, Lesley P. Adamo, Eileen Overbaugh, Elisia M. Klinka, Nicholas Gonski, Darren Goodman, Megan Monson, Eric Jesse, Alanna Sandoval, Jeffrey M. Shapiro, Jack Sidorov, Mark P. Kesslen, Paul M. Krueger, Michael A. Buxbaum, Norman W. Spindel, Mary J. Hildebrand, Bryan Sterba, Manali Joglekar, and Stuart S. Yusem**.)

SPEAKING ENGAGEMENTS

> Speaker, **Decoding Legal Topics for Startups at Series A and Beyond: Second Session**, OneValley, January 12, 2021

EDUCATION

> Benjamin N. Cardozo School of Law (J.D. 2014), cum laude; Dean's Merit Scholarship; Intellectual Property Colloquium Fellow

> Binghamton University, State University of New York (B.S. 2011), Dean's List

ADMISSIONS

> New Jersey

> New York