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## Rising Star: Gibson Dunn's Ashlie Beringer

By Allison Grande

*Law360, New York (March 22, 2010)* -- Gibson Dunn & Crutcher LLP partner Ashlie Beringer's dedication to defending the creative process for media giants as diverse as the Grateful Dead and Carlos Santana or Viacom Inc. and ValueClick Inc. has earned her the distinction of being one of Law360's 10 intellectual property attorneys under 40 to watch.

Beringer, a 38-year-old litigation partner in the firm's Palo Alto, Calif., office, has not allowed the digital media revolution to pass her by, striving to stay current on the latest technological advances in order to provide the best possible IP advice for new and old media clients in complex patent, copyright, trademark and trade secrets disputes.

"Ashlie is a powerhouse," said Alex Rigopoulos, CEO and founder of Viacom wholly owned subsidiary Harmonix Inc., which Beringer represents in litigation over the "Rock Band" video game. "She has a razor-sharp legal mind and a warrior spirit, and in working with her I routinely noticed myself feeling grateful that she was not working for the opposing side."

During the past decade, Beringer has watched the digital media landscape expand significantly, a boom that has caused old media issues to be replaced with questions about the value of IP rights on newer platforms such as social networking sites and in the gaming industry.

But Beringer has embraced this shift, incorporating her grasp of the new digital media legislation being interpreted by the court with her ability to find creative ways to achieve positive outcomes for her clients.

"I try to understand the client's objectives in order to figure out a practical way to reach them by using creative angles that others might not identify or have the creativity to execute," Beringer said. "There's a real art in taking complex technology and presenting it to the court in a compelling and successful way."

Denis Salmon, co-chair of Gibson Dunn's IP group for the past 15 years, has been impressed by Beringer's ability to use this creative approach across a broad spectrum of both old and new media cases.

"A key to her success is the level of creativity and energy she puts into each case, which makes her a joy to work with," Salmon said.

Orin Snyder, co-chair of Gibson Dunn's media, entertainment and technology practice group since 2005, added that her ability to not be pigeonholed into any one facet of IP litigation set her apart from the crowd.

“She has a breadth of smarts, not just book smarts but analytical smarts as well,” Snyder said. “The clients adore her because she has incredible poise and confidence, and judges like her because she is direct and no-nonsense in her presentation.”

One of Beringer's most prominent and wide-ranging cases came in 2007, when she represented performers and record companies including the Grateful Dead, Led Zeppelin, The Doors, Carlos Santana and Sony Music Entertainment Inc. in a case asserting trademark infringement, violation of right of publicity and copyright infringement in connection with the acquisition of Bill Graham archives and the operation of WolfgangsVault.com.

Beringer used thousands of hours of concert footage along with the applicable law governing the use of IP rights on the Internet to argue her case.

Despite being a younger partner, Beringer believes that the field she has chosen — which currently entails working on cases that involve clients such as online advertising networks ValueClick and Adknowledge Inc., which tend to be started by a young professionals — has contributed to her success.

“The younger client base seems to welcome young, energetic lawyers who can offer rates that are a little more appealing,” Beringer said. “It's harder for someone who is older to talk about these new technological developments in a way that's relevant to where the technology is going.”

Beringer, who originally joined Gibson Dunn in March 2005 as an associate in the firm's Colorado office, made the move to Palo Alto when she was elected partner in January 2009 in order to be closer to Silicon Valley. Her husband Marcus Middleton and their young son Carson joined her.

Her move brought her back to the state where she first realized she wanted to practice law. Beringer originally enrolled at the University of California, Los Angeles, as a theater major with the goal of becoming an actress, but during her time as an undergraduate, she became “really politically energized” and realized that law school would be the best vehicle for social change.

“What originally drew me to the intellectual property field was an interest in being able to defend the creative process and understand creation stories,” Beringer said. “What I find most interesting is being able to work strategically with different technologies. It's a nice mesh of technical skill and interesting legal issues that combine to make it a fast-moving, satisfying and fulfilling practice area.”