

Christopher A. Cole

Partner and Chair, Advertising, Marketing and Promotions

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Practices

FOCUS: Intellectual Property
Advertising, Marketing and Promotions
Antitrust and Competition
Intellectual Property Litigation
Litigation

Industries

Energy
Entertainment and Media
Entertainment and Media Litigation
Pharmaceutical and Life Sciences
Technology

Education

JD, Boston University School of Law,
magna cum laude
MS, University of Miami
BS, Yale University

Bar Admissions

District of Columbia

Community Involvements

ABA Antitrust Section, Task Force on
Diverse Consumers and the Law

Christopher Cole is a nationally-recognized litigator who offers strategic counsel to some of the world's leading companies on protecting their technology and brands from attack by competitors, regulators and private consumer class action claimants. With a practice that covers a wide range of industries and sectors, Chris brings a practical, creative and individualized approach in advising clients on how to navigate advertising, unfair competition, brand disparagement, reputation and intellectual property matters. Whether handling judicial and administrative proceedings or defending against government investigations and enforcement actions, Chris works closely with his clients to maximize strategies for preserving their valuable claims and assets.

Dogged advocacy combined with technical acumen

Chris has extensive experience in litigating Lanham Act and consumer class action cases, defending against claims brought by the Federal Trade Commission, and handling disputes before the National Advertising Division of the Better Business Bureau. With a keen understanding of the legal, regulatory and procedural complexities surrounding advertising and brands, Chris is well-positioned to mitigate risks and develop potential pathways through litigation and regulatory investigations.

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Chris counsels clients of all types and sizes, including Fortune 500 companies, in connection with domestic and international issues relating to advertising, competition and product regulation. He is well-versed on advertising claims substantiation, product testing and consumer research, and consumer protection regulatory due diligence in transactions. Chris is well-known for helping companies understand their obligations regarding advertising of ESG-related claims, including claims about carbon offset, waste reduction and recycling, and social issues. He leverages rich experience in counseling companies across multiple industries – including food and beverage, media and telecommunications, technology, energy, home appliances and consumer products – to help clients understand industry-specific challenges and achieve their business objectives.

When scientific issues arise in false advertising and unfair competition disputes, clients benefit from Chris's deep-seated interest and comfort with the scientific side of such cases. His interest in science earlier led to academic degrees in biology and marine biology, and that scientific curiosity now underlies his approach in dissecting and translating the technical aspects of cases.

Chris has for years been rated at the top of various guides for lawyers, including *Chambers USA*, which recognizes him in the highest ranking possible for Advertising: NAD and among the top six lawyers in the country for Advertising Litigation.

Representative Experience

- Worked with trial team as the lead counsel for a multinational telecommunications company on consumer survey and measurement issues in a landmark litigation in which the US government unsuccessfully attempted to enjoin the company's merger with a cable television company.*
- Co-lead counsel for a multinational brewing company in a false advertising case alleging another brewing company violated the Lanham Act through an advertising campaign that began during the 2019 Super Bowl.*

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- Counsel for multinational companies in multiple Lanham Act false advertising claims involving applications for emergency relief.*
- Counsel for multinational companies in dozens of matters before the National Advertising Division and the National Advertising Review Board.*
- Counsel for major advertisers in defending against consumer class actions and similar lawsuits brought in multiple states.*
- Counsel for major advertisers in conjunction with claims and investigations by the Federal Trade Commission in multiple industries including food and beverage, telecommunications, technology and consumer products.*
- Counsel to major international advertisers in connection with their development, substantiation and defense of ESG-related advertising claims.*

*Experience prior to Katten

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Advertising Law, 2023
 - Lawyer of the Year
 - Advertising Law, Washington, DC, 2023
- *Chambers USA*
 - Advertising: Litigation, 2005-2022
 - Advertising: NAD Proceedings, 2022
- *The Legal 500 United States*
 - Leading Lawyer, 2022

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Publications

- ABA Advertising Claims Substantiation Handbook, Chapter Author (October 21, 2022)
- Precautions For New Wave Of Digital Privacy Class Actions, *Law360* (September 26, 2022)
- What 9th Circ.'s CFAA Decision Means For Data Scraping, *Law360* (May 2, 2022)

Presentations and Events

- American Conference Institute, Advertising Claims Substantiation Conference (February 2023)
- Institute for Perception, Advertising Claims Support Three-Day Course, *Faculty* (2010-Present)
- Food and Drug Law Institute, Food Advertising, Labeling, and Litigation Conference, "Litigation and Standards for Environmental, Social, and Governance (ESG) Claims," *Panelist* (September 28, 2022)