

## Roberto C. Quiñones-Rivera

Capital Member, Litigation Practice Group

787.250.2631 | rcq@mcvpr.com



Leader, Securities Litigation & Arbitration Practice Team

Leader, Antitrust Practice Team

Co-Leader, Intellectual Property Practice Team

### PRACTICES

Antitrust

Bids & Government Procurement

Class Actions

Distribution & Franchising

Intellectual Property

Litigation

Securities Litigation & Arbitration

### BAR ADMISSIONS

- Commonwealth of Puerto Rico
- New York
- Massachusetts
- U.S. Supreme Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Courts for the District of Puerto Rico
- U.S. District Courts for the Southern District of New York
- U.S. District Courts for the District of Massachusetts

Roberto Quiñones-Rivera, a graduate of Yale Law School, started his litigation practice with Paul, Weiss, Rifkind, Wharton & Garrison in New York and Choate, Hall & Stewart in Boston. He has over 30 years of experience in complex commercial litigation and arbitration and in legal counseling. Mr. Quiñones has handled major business cases in a wide range of areas, including securities, antitrust, RICO, intellectual property, distribution and ERISA.

Mr. Quiñones has successfully represented multinational, U.S. and Puerto Rico-based businesses in their most challenging commercial disputes on the island. Recent examples include his representation of ten international and Puerto Rico banks in three cases filed by municipal bond insurers seeking over \$1.6 billion in damages arising from defaults of Puerto Rico bonds; representation of numerous financial institutions in hundreds of judicial, arbitration and administrative proceedings stemming from the collapse of the Puerto Rico bond market and the island's bankruptcy; representation of defendants in antitrust cases brought by the Government of Puerto Rico alleging price-fixing conspiracies in violation of federal and Puerto Rico law; and representation of content distributors, entertainment companies and advertising agencies in intellectual property litigation.

Mr. Quiñones has handled cases brought as class actions in federal and state courts; has represented businesses in connection with investigations by Puerto Rico's Office of the Commissioner of Financial Institutions and Department of Justice; and has acted as first chair in bench and jury trials.

Mr. Quiñones has been recognized by Best Lawyers® for his expertise in the fields of Litigation; Arbitration and Mediation; Competition/Antitrust; and Intellectual Property. He is ranked as a Leading Attorney by Chambers & Partners. Chambers notes that he "receives strong endorsements from peers for his extensive experience and particularly his litigation skills." Mr. Quiñones is a Fellow of the Litigation Counsel of America.

#### EDUCATION

A.B., *Summa Cum Laude*, Rollins College

J.D., Yale Law School, 1990

#### MEMBERSHIPS

- International Trademark Association (INTA)
- Securities Industry and Financial Markets Association (SIFMA)

During law school, Mr. Quiñones was a Managing Editor of the Yale Journal of International Law and a summer associate at Cravath, Swaine & Moore in New York. Upon graduation, he joined Paul, Weiss, Rifkind, Wharton & Garrison. He then worked with Choate, Hall & Stewart and Goulston & Storrs.

Mr. Quiñones established and is Leader of the Firm's Securities Litigation and Arbitration Practice, which he has led to become Puerto Rico's foremost practice in the field. He also is Leader of the Firm's Antitrust Practice and Co-Leader of the Intellectual Property Practice, which are recognized as preeminent in Puerto Rico. In addition, he is a member of the Class Actions and the Distribution and Franchising Practices.

Mr. Quiñones has served in the Firm's Policy Committee and Practice Management Committee and as Vice-Chair of the Litigation Group. He is a member of the Securities Industry and Financial Markets Association (SIFMA) and the International Trademark Association (INTA), and a former member of the Ethics Commission of the Puerto Rico Bar Association.

#### REPRESENTATIVE CASES

Mr. Quiñones' representative cases include:

- Representation of ten international and Puerto Rico banks in three cases filed by municipal bond insurers in Commonwealth court seeking over \$1.6 billion in damages arising from defaults of Puerto Rico bonds. After oral argument (at which Mr. Quiñones argued for defendants) in two of the cases, both were dismissed with prejudice. The dismissals were affirmed on appeal. The third case (in which the trial court did not hold oral argument) was dismissed on appeal.
- Representation of investment bank and bond underwriter in action filed in Commonwealth court seeking over \$800 million in damages in connection with issuance of Puerto Rico's pension obligation bonds.
- Representation of multinational electronics company and of manufacturer in cases filed by the Government of Puerto Rico, purportedly in *parens patriae* capacity, for conspiracy to fix prices in violation of federal antitrust law and Puerto Rico law.
- Representation of international and Puerto Rico broker-dealers in hundreds of FINRA arbitrations stemming from the collapse of the Puerto Rico bond market.

- Representation of largest Puerto Rico-based financial institution in ERISA class action filed by pension plan beneficiaries for breach of fiduciary duty.
- Representation of several bond underwriters in adversary proceedings filed under the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA).
- Representation of financial institution in class action and individual cases filed against it in federal and Commonwealth courts pursuant to the Americans with Disabilities Act.
- Representation of broker-dealer in *mandamus* action filed against it and the Puerto Rico Commissioner of Financial Institutions by firm's customers and the Puerto Rico Journalists' Association seeking disclosure of confidential firm documents filed with the agency. Disclosure of confidential documents was denied.
- Representation of Puerto Rico bank in trademark litigation involving its house mark and raising issues of first impression in First Circuit. *Oriental Financial Group, Inc. v. Cooperativa de Ahorro y Crédito Oriental*, 698 F.3d 9 (1st Cir. 2012) (addressing progressive encroachment doctrine as issue of first impression and applying it to bar laches defense); *Oriental Financial Group, Inc. v. Cooperativa de Ahorro y Crédito Oriental*, 832 F.3d 15 (1st Cir. 2016) (finding infringement of financial institution's house mark).
- Representation of international fuel company in arbitration concerning millions of dollars of allegedly contaminated product.
- Representation of leading resort developer as defendant in federal action seeking repossession of land and demolition of iconic resort property. After closing arguments following weeklong jury trial, plaintiff voluntarily dismissed case.
- Representation of mainland bank in connection with investigation by Puerto Rico Commissioner of Financial Institutions concerning loans to Puerto Rico residents.
- Representation of international music and entertainment group in copyright litigation, including cases raising issues of first impression in First Circuit. *See, e.g., Luar Music Corp. v. Universal Music Group, Inc.*, 861 F.Supp.2d 30 (D.P.R. 2012) (granting summary judgment for defendant as to claim seeking extraterritorial application of U.S. Copyright Act); *Luar Music Corp. v. Universal Music Group, Inc.*, 847 F.Supp.2d 299 (D.P.R. 2012) (rejecting plaintiff's arguments under equitable estoppel doctrine; granting summary judgment for defendant); *Los Cangris, Inc. v. UMG Recordings, Inc.*, 2011 WL 1743193, 2011 Copr.L.Dec. P 30,077 (D.P.R.) (granting motion to dismiss copyright and

state law claims).

- Representation of Puerto Rico's largest pharmacy benefits administrator in purported class action under the Racketeer Influenced and Corrupt Organizations Act (RICO). *Sánchez v. Triple-S Management Corp.*, 492 F.3d 1 (1st Cir. 2007) (affirming summary judgment dismissing case).
- Representation of renowned artist Romero Britto and his exclusive international licensee in the largest trademark, copyright and civil counterfeiting case filed in the U.S. District Court for Puerto Rico.
- Representation of international film companies in connection with investigation by the Puerto Rico Office of Monopolistic Affairs.
- Representation of defendants in patent infringement cases, including *Canatelo, LLC v. AXIS Communications AB*, Civil No. 13-1084 (D.P.R. 2013) (dismissing patent infringement suit for lack of personal jurisdiction), and *Ingeniador, LLC v. Interwoven*, 2012 WL 1712492 (D.P.R.) (dismissing patent infringement claims for failure to state claim and for lack of personal jurisdiction).
- Representation of mainland insurance company in antitrust class action under the Sherman and Clayton Acts and Puerto Rico's antitrust laws. *Arroyo-Melecio v. Puerto Rican American Insurance Co.*, 398 F.3d 56 (1st Cir. 2005) (affirming dismissal of main claim).
- Representation of defendants in defamation cases filed in federal and Commonwealth courts.
- Trademark prosecution counsel in connection with federal and Puerto Rico registrations of several leading Puerto Rico marks (sometimes overcoming adverse office actions), including POPULAR, ORIENTAL, RIO MAR and IKEA.
- Representation of prominent advertising agency in various cases alleging copyright infringement under the U.S. Copyright Act and Puerto Rico's Intellectual Property Act and trademark infringement.
- Representation of international telecommunications company in case involving issues of first impression concerning removal jurisdiction and Y2K Act. Obtained emergency order by First Circuit staying remand to Commonwealth court pending appeal and, after oral argument, judgment reversing remand order. *Autoridad de Energía Eléctrica de Puerto Rico v. Ericsson Inc.*, 201 F.3d 15 (1<sup>st</sup> 2000).
- Representation of creditor in action raising issues of first impression concerning scope of obligations under commercial guarantees. *Laura Thorn, Ltd. v. Alletzhauser*, 71 F.3d 991 (1st Cir. 1995) (reversing dismissal order).