

Benjamin J. Lambiotte

Principal

Flour Mill Building
1000 Potomac Street N.W.
Suite 200
Washington, D.C. 20007-3501

T 202.298.2525
F 202.965.1729
benjamin.lambiotte@foster.com



Ben has a broad and eclectic practice. Consistent with his wide range of experience in regulatory, transactional, professional responsibility and litigation matters, Ben has a far-reaching and practical perspective on avoiding and solving legal problems.

Ben represents and advises broadcasting and communications clients before the Federal Communications Commission in transactions and contract matters, and on advertising law issues. He also serves the firm’s food and beverage clients on Food and Drug Administration labelling, advertising, and other regulatory compliance issues, and contract matters, focusing particularly on emerging plant-based food and beverage businesses. His regulatory practice also includes assisting clients with issues relating to cannabis and hemp products.

Ben has extensive intellectual property expertise and also regularly advises companies in connection with the licensing and protection of trade secrets and technologies. He has particular expertise and experience in licensing and technology transfer matters involving municipal and federal government contracts and grants, and universities.

He also represents technology and other companies in connection with government contracting issues. Ben also regularly advises and represents outside lawyers and law firms on legal ethics and professional responsibility issues, and law-related businesses on unauthorized practice of law issues. He served his law firm as internal ethics advisor and risk management counsel for more than 10 years.

Services

- Litigation
- Alternative Dispute Resolution
- China Practice
- Commercial & IP Transactions
- Communications, Telecom & Media
- Food & Beverage
- Government Contracts
- Health Care
- Intellectual Property Litigation
- Mergers & Acquisitions
- Patent Litigation
- Securities Litigation & Enforcement
- Sports, Arts & Entertainment

Admissions

- District of Columbia, 1989
- Maryland, 1995
- Virginia, 1993
- U.S. District Court, District of Columbia, 1989
- U.S. District Court, District of Maryland, 1996

Ben is a member of the Bars of D.C., Maryland and Virginia, and admitted to practice (and regularly appears) in state and federal courts in each of those jurisdictions. He is also a member of the U.S. Federal Court of Claims Bar. He is also admitted to practice in the United States Courts of Appeals for the D.C., Third, Sixth and Fourth Circuits.

Education

J.D., Catholic University of America, Columbus School of Law, 1989

- Valedictorian
- Certificate, Institute for Communications Law Studies
- *Catholic University Law Review*, Volume 38, Senior Lead Article and Book Review Editor

B.A., American University, Communications, Legal Institutions, Economics and Government, 1983

Professional Activities

American Bar Association, Center for Professional Responsibility, Member

Federal Bar Association, Member

Experience

Represented several DoD transportation service providers in a pre-award bid protest before the U.S. Federal Court of Claims
Represented several DoD transportation service providers in a pre-award bid protest before the U.S. Federal Court of Claims in *BINL, Inc. v. United States*, No. 12-71-C (U.S. Court of Claims, decided June 19, 2012).

Represented several DoD transportation service providers in a pre-award bid protest before the U.S. Federal Court of Claims
Successfully represented several DoD transportation service providers in a pre-award bid protest before the U.S. Federal Court of Claims in *BINL, Inc. v. United States*, No. 12-71-C (U.S. Court of Claims, decided June 19, 2012).

U.S. District Court, Eastern District of Virginia, 1998

U.S. District Court, Western District of Virginia, 2003

U.S. Bankruptcy Court, Eastern District of Virginia, 1998

U.S. Court of Appeals, District of Columbia Circuit, 1989

U.S. Court of Federal Claims, 2008

Advises clients on trademark registration strategies, and litigates trademark cases for plaintiffs and defendants

Regularly advises clients on trademark registration strategies, and litigates trademark cases for plaintiffs and defendants, before United States District Courts, and in cases before the United States Patent and Trademark Office Trial and Appeal Board relating to registration of trademarks and servicemarks.

Negotiated patent licenses with the applied physics laboratory of a prominent East Coast research university

Negotiated patent licenses with the applied physics laboratory of a prominent East Coast research university on behalf of a homeland security technology company.

News

Benjamin Lambiotte Quoted in *Radio World* About iHeartMedia Reorganization
Radio World, 5.6.19

Benjamin Lambiotte Quoted in *Current* About EBS Spectrum Leasing
Current, 3.18.19

Speaking Engagements

Hot Topics in Government Subcontracting
Seminar
Garvey Schubert Barer, 10.3.13

"How to Avoid Pitfalls in Government Subcontracts," Garvey Schubert Barer and Macro
Solutions, Inc.
Seminar
Garvey Schubert Barer, Washington, D.C., 6.24.08

"Sarbanes-Oxley and Private Companies: Why Should I Care?," Transportation Intermediaries
Association 29th Annual Convention and Trade Show
Speaking Engagement
Royal Pacific Hotel, Orlando, FL, 4.19.07

Legal Alerts

Photo-Trolls Still Target Broadcasters
1.31.19

Dealing With a Government Shutdown: Making the Best of a Bad Situation
1.19.18

For Liability for Implied Fraud Under the False Claims Act, Materiality Is the Key
6.23.16

DoD Allows Additional Time for Compliance With Multifactor Authentication Requirement of
Defense Cybersecurity Rules
10.19.15

DoD Adopts New Cyber Security and Incident Reporting Rules
9.10.15

Time to Tighten Up: Pentagon Imposes New Unclassified Technical Data Security Controls and
Cyber Incident Reporting Requirements
11.20.13

New California Requirements for Privacy Policies
10.15.13

Aggressive Enforcement Increases Importance of "Country of Origin" Compliance in Federal
Contracting
8.7.13

SBA Implements Rule Changes to Strengthen Federal Small Business Subcontracting
8.1.13

SBA Adds Sharp Teeth to Small Business Size Certification and Status Rules
7.30.13

DoD Adopts Final Rules That May Allow Project Management Support Contractors to See Your
Proprietary Technical Data and Software
6.5.13

The Shift from Best Value to Lowest Price, Technically Acceptable Evaluations
3.28.13

Sequestration & Austerity May Increase Government's Use of Terminations for Convenience –
Be Prepared!
3.12.13

Be Careful about Personal Data Protection Clauses – Review Them Closely Before Agreeing to
Them
1.29.13

Publications

Jurisdictional Standing & "Prudential" Standing in Procurement Protests at the U.S. Court of
Federal Claims: A Muddled Relationship

Briefing Papers, Thomson West, 2.15.13