

Gary Lincenberg and Alexis Wiseley Discuss Intangible Property and Offer Solutions to the Novel Legal Concept for Chambers and Partners

Bird Marella attorneys [Gary Lincenberg](#) and [Alexis Wiseley](#) authored the article "*Property*" *Fraud in an Intangible Age* in the White-Collar Crime section of [Chambers Expert Focus: Compliance and Investigations](#).

With the emergence of digital currency, the metaverse, and other digital content, the definition of "property" has evolved and expanded in the *intangible age*. The article outlines how defense attorneys should approach and challenge prosecutions that involve intangible property using key U.S. Supreme Court precedents from the past two decades.

Mr. Lincenberg and Ms. Wiseley explore how federal courts will likely use recent decisions as guideposts focusing on informational rights, the right to control, and the existence of market for the alleged property interest, including some of the strategic steps they used to get a [federal fraud prosecution dismissed](#) against their client in a high-profile case in San Diego. Additionally, the Supreme Court is expected to offer further guidance on the "right to control" theory of property fraud this year in *Ciminelli v. United States*, wherein the justices heard an oral argument on the issue late last year.

Click [here](#) to read the full article on Chambers and Partners.

Chambers USA consistently recognizes Bird Marella as a Band 1 firm in California's [Litigation: White-Collar Crime & Government Investigations](#) rankings. Its widely respected white-collar defense practice is headed by several former Assistant United States Attorneys. Mr. Lincenberg boasts a [Band 1 status](#) in Chambers USA, leading the state's white-collar rankings for nearly two decades.