

## Intellectual Property Litigation

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Miller Canfield's IP trial attorneys have successfully asserted and defended countless intellectual property disputes before judges and juries around the country and in agencies and forums in which these disputes are litigated. We have successfully tried cases in:

- Federal and state courts across the country (bench and jury trials)
- Federal Courts of Appeals
- United States Patent and Trademark Office
- International Trade Commission
- U.S. Court of Federal Claims
- Patent Trial and Appeal Board

Likewise, we have represented clients—in both state court and federal court—at countless preliminary injunction hearings and trials over trade secret misappropriation claims, non-competition enforcement claims, and non-solicitation enforcement actions.

In this global economy, IP battles often spill over national borders. We have a remarkable record of success in protecting our clients' intellectual property rights in international arbitrations across the globe.

IP battles can also take place in the U.S. Patent and Trademark Office. Our IP team has record of success advocating for clients in:

- trademark disputes before the Trademark Trial and Appeal Board
- patent disputes in Inter Partes Review ("IPR") proceedings before the Patent Trial and Appeal Board
- post grant patent validity challenges in Post Grant Review ("PGR") proceedings before the Patent Trial and Appeal Board

Our trial teams have a proven record of successfully handling high-tech, high-stakes and complex matters. Our clients benefit from our extensive trial experience and our business-minded approach to litigation strategy. We perform a rigorous legal and evidentiary analysis at the outset of the case so we can identify the winning theory of the case *before* engaging in discovery. If there is a way to achieve a quick victory in a threshold motion, we will identify it. If not, we will litigate efficiently by staying focused. We strive to avoid unnecessary motions, unfocused discovery and needless bickering with opposing counsel. These distractions waste resources and rarely confer any meaningful advantage.

Many of our lawyers have been ranked by some of the most respected resources, including the American College of Trial Lawyers and Chambers USA.

### Representative Matters

We have represented companies and individuals in IP disputes involving complex jurisdictional, IP and technology questions in industries spanning automotive, medical device, software, military and others. Often, this requires representing clients in multiple jurisdictions and parallel proceedings, including dual-track state and federal litigation.

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Representative matters include:

- Successfully defended a federal trademark infringement lawsuit in the U.S. District Court in Minnesota brought by My Pillow, Inc., which sells pillows heavily marketed through infomercials by its founder Mike Lindell. We filed a counter-complaint for false advertising and unfair competition based on false-reference pricing, advertising that presents Mr. Lindell as a sleep expert, and My Pillow's pervasive advertising statements about the medical benefits of its products.
- Defended independent automotive industry manufacturer against misappropriation of trade secrets and tortious interference claims brought by former employer.
- Represented Tier 1 automotive industry supplier in supplier's action for misappropriation of trade secrets against multiple former employees.
- Obtained summary judgment and discovery sanctions on behalf of beverage manufacturer in action for misappropriation of trade secrets and copyright and trademark infringement.
- Represented tattoo supplies manufacturer in patent infringement action filed by German company in California District Court and successfully negotiated terms of patent license agreement.
- Coordinated and managed multiple trademark infringement lawsuits in Brazil on behalf of franchisor against former master franchisee and sub-franchisees.
- Represented tattoo supplies manufacturer in patent infringement action filed by German company in California District Court and successfully negotiated terms of patent license agreement.
- Served as co-lead counsel for defendant in patent litigation involving electronic locks for cargo security. Successfully secured a dismissal with prejudice.
- Secured expeditious settlement for a large multi-national corporation in a patent litigation involving abrasive articles used to repair, polish and finish coatings and surfaces.
- Represented closely held corporation in unfair trade practices, pricing and covenants not to compete disputes in courts in New York and Michigan.
- Successfully defended a software manufacturer against breach of contract claims while prosecuting, to a favorable resolution, counterclaims for misappropriation of trade secrets, unfair competition, and tortious interference with business relationships.
- Successfully represented a digital media company in a copyright dispute with a television network and a multinational alcohol distributor involving use of copyrighted materials in an advertising campaign.
- Represented an automobile supplier in connection with a patent infringement claim, successfully securing an eight-figure damages settlement.
- Defeated multi-million dollar claims against a client, and prevailed on a counterclaim, in a highly complex intellectual property dispute tried in Stockholm, Sweden, under Swedish law and the Swedish Arbitration Act.
- Defended manufacturer and distributor of patented and trade secret dual stage recoverable energy absorption designs used by US and foreign military units.

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- Represented companies investigating and prosecuting international intellectual property poachers and saboteurs. Worked with U.S. and international legal authorities, agencies, and institutions to investigate and prosecute offenders. Counseled companies on timing and substance of parallel civil litigation.