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Services

Litigation and Dispute Resolution
Appeals
Intellectual Property
Intellectual Property Litigation
Trade Secrets and Non-Competes
Trademarks and Brands
Copyrights

Industries

Advertising and Marketing
Automotive
Craft Beverage Manufacturers
Higher Education
Retail and Hospitality

Education

Wayne State University Law
School, J.D., 1999
University of Detroit-Mercy, B.A.,
1996

Bar Admissions

Michigan

Court Admissions

U.S. District Court

- Eastern District of Michigan



Kimberly A. Berger

Principal

Kimberly A. Berger specializes in domestic and international trademark prosecution and intellectual property litigation, including domain name disputes, trade secrets, unfair competition, false advertising, and trademark and copyright infringement.

She assists a variety of clients – from large, international companies to small businesses and individuals – with protection of their intellectual property rights, including selection, clearance and prosecution of trademarks, e-commerce issues, domain name registration and disputes and brand name protection.

Kim is experienced in developing and managing domestic and international trademark portfolios; trademark selection, clearance and prosecution; negotiating use agreements; brand protection; U.S. Patent and Trademark Office proceedings, including opposition and cancellation actions; and intellectual property litigation in both state and federal courts.

Kim previously served as Chair of the State Bar of Michigan Intellectual Property Law Council.

Representative Matters

- Represents automotive Original Equipment Manufacturer (OEM) in trademark enforcement matters across all of its brands, including trademark oppositions and cancellations.
- Manages international trademark portfolio for international aftermarket automobile services company with over 340 trademarks in 77 countries.
- Manages international trademark portfolio for game company with over 155 trademarks in 30 countries.

Kimberly A. Berger

- Western District of Michigan
 - Represented tattoo supply 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 lawsuits in Brazil on behalf of franchisor against former master franchisee and sub-franchisees.
 - Coordinated and filed worldwide trademark registrations for nutritional supplement company.
 - Successfully defended a Chinese autonomous driving solutions company, in U.S. and U.K. trademark oppositions, securing registration and usage rights through settlement negotiations
 - File, manage, prosecute, and enforce trademarks for Mucci, a leading Canadian grower of fruits and vegetables with over 250 acres of greenhouses and 2,000 employees, ensuring protection of its valuable brands in the U.S. and Canada.
 - Negotiated a co-existence agreement for Montauk Distilling Company (“MDC”) with Montauk Brewing Company which allows MDC to use and register all of its marks, now and in the future, which contain the term “Montauk” for its craft spirits and other products—a critical win which will allow the company to continue to expand and grow its business.

Honors

World Intellectual Property Review (WIPR), USA Trademarks, 2024

Chambers USA: America's Leading Business Lawyers for Intellectual Property (Band 2), 2024–2025

Best Lawyers in America: Trademark Law, 2025-present

"Go-To Business Lawyer," *Michigan Lawyers Weekly*, 2020

DBusiness Top Lawyers: Intellectual Property and Patent Litigation, Copyright Law & Trade Secrets

Michigan Super Lawyers, Intellectual Property, 2016–2017; Rising Star, 2013–2014

Corporate Insider Legal Awards, Excellence in International Trademark Prosecution, 2017

Corporate Live Wire Awards, Excellence in International Trademark Prosecution, 2015–2016

Kimberly A. Berger

Corporate America Legal Elite, Best for Trademark Prosecution, 2015

Wayne State University Law School, cum laude; Moot Court

University of Detroit-Mercy, magna cum laude; Insignis Scholar

Professional Activities

Chair of the State Bar of Michigan Intellectual Property Law Council, 2022–2023; Chair-Elect, 2021–2022; Secretary/Treasurer, 2020–2021; Member, 2015–2020

International Trademark Association, Enforcement Committee 2016–2017, Internet Committee 2018–2019; Emerging Issues Committee, 2021–2022; Famous and Well-Known Marks Committee, 2024–2025

Women of Miller Canfield, Co-Chair, 2019–present

Detroit Metropolitan Bar Association Inns of Court, 2013–2014

Michigan IP Inn of Court

American Bar Association, Intellectual Property Law Section & Litigation Section

American Intellectual Property Law Association

Federal Bar Association

Detroit Regional Chamber's Leadership Detroit, Class XXXVIII

Speeches

"Welcome and Introduction from Section Chair," 48th Annual Intellectual Property Law Institute, Institute of Continuing Legal Education, July 20–22, 2023

"Trademarks," American Chamber of Commerce in Poland Webinar, June 29, 2021

"Protecting Your Competitive Edge: Intellectual Property 101," Public Relations Society of America - Detroit Chapter, December 3, 2019

"Choosing, Building and Protecting Your Brand," Financial Poise Webinar, March 7, 2019

"IP Boot Camp 2019: Introduction to Key Concepts," Financial Poise Webinar, February 7, 2019

"Cappuccino With Counsel: Trademark/Copyright Law - With a Focus on Protecting Software IP," Miller Canfield, August 28, 2018

"Busy Season BrewHaHa - Michigan's Craft Beer, Wine and Spirits Industry," March 20, 2018

Kimberly A. Berger

"IP Issues," Small Business Legal Academy, 2016

"Cappuccino with Counsel: Brand Protection and Anti-Counterfeiting - We're the Government and We're Here to Help," Miller Canfield, November 4, 2015

"Fresh Perspectives on International Law," Panelist, Alumni Speaker Series, Wayne State University, Detroit, Michigan, February 17, 2015

"Cappuccino With Counsel: Selecting and Protecting Your Brand and Trademarks," Miller Canfield, August 26, 2014

"An Intoxicating Legal Update for Licensed Beverage Manufacturers," Miller Canfield, November 6th and 13th, 2013

"Cappuccino With Counsel: Do Trademark Lawyers Matter?" Miller Canfield, June 27, 2013

"Retaining Female Litigators," Panelist, MDTC Winter Conference 2008

Publications

"BMW trademark suit against antifreeze manufacturer raises issues around OEM label," World Trademark Review, Quoted, March 6, 2026

"Trademarks and Brand Protection," Social Media and the Law, Practising Law Institute, Chapter author, 2014-present

"Internet control moves towards private sector with U.S. handover" (quoted), E-Commerce Law and Policy, April 2014

Articles

Michigan Reintroduces Automatic Renewal Law

Navigating the Survey Seas: The Timing and Impact of Survey Evidence in Trademark Litigation

The Art (and Legality) of Imitation: Navigating the Murky Waters of Fair Use in AI Training

Eighth Circuit Slams the Brakes on FTC's Click-to-Cancel Rule

Costly Claims: Corporations Confront the Consequences for Improper "Made in the USA" Claims

FTC's Power to Demand Substantiation for Ads Faces Fiery Lawsuit

FTC's 'Click-to-Cancel' Rule Battles Through Political Shifts and Legal Challenges

U.S. Patent and Trademark Office Set to Increase Trademark Fees in 2025

Location Or Protectable Trademark?

Protecting Your Brand: Using DMCA Takedown Notices to Obtain Jurisdiction Over Anonymous Copycat Infringers

Bad Dog! SCOTUS Sides with Jack Daniel's in Trademark Fight Over "Poop-Themed" Dog Toy

Kimberly A. Berger

Supreme Court Rules Against Andy Warhol Foundation in Question About Fair Use

Protecting Your Brand: 3 Resolutions for the New Year

How Brexit Affects You and Your Intellectual Property

“Black and White” Is So 2014 for EU Trademarks

To File or Not to File (Before the TTAB) – Supreme Court Holds TTAB Decisions Can Have Preclusive Effect in Federal Court

Can This Trademark Be Tacked? Ask the Jury

USPTO Cancels Washington Redskins' Trademark Registrations

ICANN't: U.S. to Transition Oversight of ICANN

Don't Get “Crushed”: Three Ways to Avoid Being a Bully While Protecting Your Trademarks