

Practice Profile

Michael ("Mike") J. Powell helps clients and counsel navigate the complexities and costs associated with intellectual property matters. Having practiced IP law since 1991, his extensive experience includes representing businesses in complex litigation and transactional matters involving patent, trademark, trade dress, copyright, trade secret, unfair competition, false advertising, antitrust and related issues. Mr. Powell is a registered patent attorney, a frequent lecturer on IP issues, and a registered IP mediator. Using knowledge, skills, and resources acquired over many years, Mr. Powell's clients engage his firm's services to simplify complex IP matters, reduce costs associated with IP issues, and avoid unnecessary litigation when possible.

Representative IP Mediation and Litigation Experience

- **Patent Infringement Litigation** – Successfully mediated settlement between indemnitor (global media company) and non-practicing entity (NPE) involving 5 patents and multiple district court cases pending against indemnitees in California and Texas.
- **Trademark and Unfair Competition Litigation** - Successfully mediated early resolution of federal trademark infringement and unfair competition allegations between progressively encroaching retail stores based in New York and Georgia using similar names.
- **Counterfeiting Litigation** - Successfully mediated resolution of federal case involving an alleged \$30M damages based on claims by global fashion and accessory company of secondary trademark infringement and copyright infringement liability for counterfeiting.
- **Software Copyright Litigation and Mediation** – Successfully negotiated early resolution of federal case against small business alleging copyright infringement based on third party software. Subsequently, served as mediator in similar federal case by same Plaintiff against another small business. Successfully mediated resolution.
- **Manufacturer Patent and False Advertising Litigation** - Counsel to global manufacturer of refrigeration hardware in patent infringement and false advertising case against competitor. Successfully mediated resolution of case including injunctive relief.
- **Restaurant Trademark Litigation** – Counsel to restaurant owners accused of infringing trademark rights in federal court. Successfully negotiated early resolution.

- **Power Supply Equipment Patent Litigation** – Counsel to global power supply manufacturer accused in federal court of patent infringement. Successfully achieved settlement following aggressive discovery efforts.
- **Architectural Plan Copyright Litigation** – Successfully mediated copyright infringement litigation between terminated architect and replacement architect.
- **Pre-Litigation Software Mediation** – Successfully narrowed pre-litigation software rights dispute, avoiding complicated and potentially protracted litigation so parties could focus efforts on completing implementation and market launch.
- **High Voltage Monitor Patent Litigation** – Counsel to high voltage switch and monitor manufacturer accused of patent infringement. Successfully persuaded competitor to dismiss its own patent infringement complaint rather than face patent invalidation risk.
- **Technology Patent and Antitrust Litigation** - Counsel to fax-to-email services provider accused by NPE of infringing patents. After bringing antitrust claims against NPE and its parent, successfully mediated to obtain dismissal of patent claims.
- **CRM Copyright Litigation** - Consulting expert for customer relationship management (CRM) software owner in U.S. District Court case for infringement, breach of contract, and conversion. Successfully mediated resolution.
- **Design Patent and Trade Dress Litigation** - Counsel to international food container manufacturer enforcing patent and trade dress rights against competitors in U.S. District Court. Successfully negotiated court-ordered injunctive relief.
- **Patent Litigation** - Defended subsidiary of publicly-traded company against patent infringement claims concerning wireless thin client technology. Successfully negotiated and obtained early dismissal of claims before discovery.
- **Trade Secret Litigation** - Defended IT consulting firm against theft of trade secrets claims by replaced competitor on multi-million dollar maintenance and upgrade of utility software and systems. Obtained dismissal. Affirmed by U.S. Court of Appeals. See *Southern Nuclear Operating Co., Inc. v. Electronic Data Systems Corp. v. Computer Technology Solutions, Inc.*, 273 Fed.Appx. 834, 2008 WL 1700204 (11th Cir. 2008).
- **Semiconductor Patent Litigation** - Defended overseas manufacturer of computer chips and U.S. subsidiary against patent infringement claims. See e.g., *Halo Electronics, Inc. v. Bel Fuse, Inc. et al.*, 2010 WL 2464811 (N.D.Cal. 2010). Successfully obtained dismissal following multiple mediations.
- **Electronics Patent Litigation** - Defended subsidiary of publicly-traded company against patent infringement claims filed by global competitor concerning flicker compensation systems for flat panel displays. Successfully negotiated dismissal.
- **Retail Patent Litigation** - Counsel to several national retailers defending against patent infringement claims made by NPE concerning financial transaction systems. See *Ware et al. v. Circuit City Stores, Inc. et al.*, 2010 WL 767094 (N.D.Ga. 2010). Successfully negotiated settlement and dismissals of U.S. District Court case(s).

- **Retail Copyright Litigation** - Defended national department store retailer and product supplier against allegations of infringing copyright and engaging in unfair competition. Obtained dismissal of allegations.
- **Manufacturing Unfair Competition Litigation** - Defended North American vehicle parts manufacturer against competitor's unfair competition (trade dress), theft of trade secrets and unjust enrichment claims in Ohio state court. Successfully narrowed issues in dispute through mediation, conducted further negotiations, and obtained dismissal.
- **Nitrile Glove Patent Litigation** - Defended multiple glove manufacturers against allegations of patent infringement before the ITC and in court. Successfully negotiated settlements resulting in terminations of investigations and dismissals of court claims.
- **Construction/Copyright Litigation** - Consulting expert to litigation counsel for international hotel owner accused, in construction dispute, of infringing architect's copyright in breach of contract for use of architectural drawings and specification after architect was terminated for cause. Obtained settlement.
- **Dietary Supplement Lanham Act Litigation** – Counsel to dietary supplement manufacturer against competitors and counterfeiters in multiple federal cases in Georgia and New York involving Lanham Act, cybersquatting, and related claims. Successfully resolved cases after motion practice that narrowed issues.
- **Financial Systems and Services Patent Litigation** – Counsel to Defendant accused of patent infringement. Successfully mediated resolution of case after defeating Plaintiff's motion for preliminary injunction. *Travelers Express Co. v. Transaction Tracking Tech., Inc.*, 305 F. Supp. 2d 1090 (D. Minn. 2003).
- **Non-Profit IP and First Amendment Litigation** - Defended 501(c)(3) organization against conversion and misappropriation of IP claims in trial, appellate and bankruptcy courts. Obtained court-ordered dismissals following multiple efforts to mediate resolution. See e.g., *Fowler v. Our Loving Mother's Children, Inc. et al.*, 585 S.E.2d 211 (Ga. App. 2003); *Little Drummer Boy Prod., Inc. v. OLMC, Inc. et al.*, 2001 WL 766963 (E.D.La. 2001); *In Re Waitz*, 567 S.E.2d 87, 2 FCDR 1817 (Ga. App. 2002).
- **Manufacturer Trade Dress / Progressive Encroachment Litigation** – Counsel to hardware manufacturer against competitor in product configuration trade dress infringement case. Successfully resolved case in favor of client following appeal on issue of progressive encroachment and subsequent jury trial. *Kason Industries, Inc. v. Component Hardware Group, Inc.*, 120 F.3d 1199 (11th Cir. 1997).
- **False Marking/Deceptive Trade Practices Litigation** - Counsel to exclusive patent licensee in infringement, false marking, and deceptive trade practices case. Obtained court-ordered injunctive relief and damages. See *Enforcer Products, Inc. v. Robert Birdsong et al.*, 98 F.3d 1359, 40 U.S.P.Q.2d 1958, 1996 WL 592161 (Fed. Cir. 1996).
- **Manufacturer Patent Litigation** – Counsel to commercial bakery equipment manufacturer found to have willfully infringed competitor's patents. Successfully resolved case in client's favor following bifurcated jury trial on damages.

Representative Industries and Technologies

Automotive	Diapers, Medical, Nonwovens,	Recycling/Sterilizer Equipment
Construction	Packaging, Pharmaceuticals)	Self-Storage
Dietary Supplements	Nitrogen Generation Systems	Semiconductors
Electronics & Electromagnetics	Offshore Pipeline Recovery &	Skincare & Beauty Products
Fashion, Apparel & Accessories	Welding Systems	SmartPhone Technologies
Financial Transaction Systems	Optoelectric Controllers	Software (e.g., CRM, Flicker
Firearms	Packaging (e.g., Beverages,	Compensation, Mortgage,
Food Services Equipment &	Cosmetics, Dietary	Nuclear Power Plant, etc.)
Refrigeration Hardware	Supplements, Foods, and	Toroid Transformers
Furniture & Home Goods	Pharmaceuticals)	Transportation & Fleet
Insect Traps	Pharmaceuticals	Management Systems
Manufacturing Equipment	Pipeline / Railway Inspection	Uninterruptible Power Supply
(e.g., Automotive, Bakeries,	Power Take-Off Devices	(UPS) Systems
		Video Displays (Flat-Panel)

Professional Leadership

Professional Organizations

- *American Intellectual Property Law Association (AIPLA)* – Registered Neutral, Member, Author, Lecturer – ADR, Corporate Practice, Licensing and Management of IP Assets Committees
- *Georgia Commission on Dispute Resolution* - Registered Mediator (Intellectual Property)
- *Georgia State University College of Law* –IP Advisory Board, Lecturer, Judge
- *Georgia State University, J. Mack Robinson College of Business* – Guest Lecturer
- *State Bar of Georgia* – Member in good standing since 1991; Chairman – Management Information Systems Committee, 1998-2000
- *TiE Atlanta* – Affiliated Member, Mentor, and Sponsor of TiEX Accelerator program
- *Intellectual Property Owner's Association (IPO)* – Member, Lecturer (2000-2013)
- *International Trademark Association (INTA)* – Member (2000-2013)
- *Civil Lawyers Against World Sex Slavery (CLAWS)* – Board of Directors, IP Counsel

Law Firm Leadership

- *Powell IP Law, LLC* – Founder and Managing Member (2013-present)
 - Selected a [Tier 1 Law Firm](#) by *U.S. News – Best Lawyers* “Best Law Firms.” (2015, 2016, 2017, 2018 and 2019 editions)
 - Selected [the Top Solo Law Firm](#) in Georgia by *Super Lawyers* for Intellectual Property (2015)
- *Gilson Athans, P.C.* (formerly Casey Gilson, P.C.) – Of Counsel – Intellectual Property Litigation (2013 - 2017)
- *Baker Donelson* – Shareholder (2000- 2013); Co-Founder of the Atlanta Office and IP Practice Group (2000); Office Managing Shareholder (Atlanta – 2005-2008); Co-chair of IP Litigation Practice Group (2003-2005); Conflict Committee Member (2005-2013); In-Firm IP Litigation Strategist (2000-2013)

Lectures

- “Navigating the Complexities & Costs Associated with Intellectual Property”, Sponsored by Independent Business Advisors of North America (IBANA), Atlanta, Georgia, August 2016
- “Intellectual Property for Entrepreneurs”, Sponsored by Mercer University, Stetson School of Business & Economics and Gilson Athans, P.C., Atlanta, Georgia, June 2015
- “How Small Companies Can Use Intellectual Property To Gain A Competitive Advantage”, Sponsored by IBANA, Atlanta, Georgia, March 2015
- “IP Essentials Presentations for SIEGE 2014 Winners”, Sponsored by Georgia Game Developer's Association, Atlanta, Georgia, November and December 2014
- “Mediation Essentials: Preparation for IP Disputes”, Sponsored by American Intellectual Property Law Association (AIPLA) – Alternative Dispute Resolution Committee, Washington, D.C., October 2014
- “Intellectual Property for Entrepreneurs”, Sponsored by Mercer University, Stetson School of Business & Economics and Casey Gilson, P.C., Atlanta, Georgia, May 2014
- “Mediating & Arbitrating Intellectual Property Disputes”, The Corporate IP Institute – Sponsored by Georgia State University (GSU) College of Law, Atlanta, Georgia, November 2013
- “Intellectual Property Essentials,” Emerging Company Boot Camp– Sponsored by Baker Donelson, Atlanta, Georgia, December 2012

- "Social Media Considerations for IP Counsel", The Corporate IP Institute – Sponsored by Georgia State University (GSU) College of Law, Atlanta, Georgia, October 2012
- "The Practice of Intellectual Property Law," Sponsored by John Marshall Law School, Atlanta, Georgia, April 2012
- "Strategic Implications of the Patent Reform Act of 2011," Sponsored by the IP Litigation Committee of the American Bar Association (ABA) Section of Litigation, Roundtable, Atlanta, Georgia, December 2011
- "Ethical Issues Facing Corporate IP Counsel," The Corporate IP Institute – Sponsored by GSU College of Law, Atlanta, Georgia, November 2011
- "Day of the Trolls: The Pros and Cons of Settling a Patent Case and Taking a License When the Products Do Not Seem to Infringe," - Sponsored by the AIPLA, Licensing and Management of IP Assets Committee, Washington, DC, October 2011
- "Use of Competitor's Trademark in Keyword Advertising: Infringement or Not?" – Sponsored by the IP Litigation Committee of the ABA Section of Litigation, Roundtable, Atlanta, Georgia, March 2011
- "Implications of Recent Court Decisions on the Application of the 'Entire Market Value Rule' to Patent Damages Analysis," – Sponsored by the IP Litigation Committee of the ABA Section of Litigation, Roundtable, Atlanta, Georgia, December 2010
- "Social Media and Networking - Pretty Cool or Downright Dangerous?", The Corporate IP Institute – Sponsored by GSU College of Law, Atlanta, Georgia, November 2010
- "Ethical Considerations in IP Practice," – Sponsored by the Atlanta Bar Association and Georgia State University College of Law, 6th Annual SpringPosium IP Conference, Barnsley Gardens, Adairsville, Georgia, May 2010
- "Patent Strategies for Competing in a Down Economy," The Corporate IP Institute - Sponsored by GSU College of Law, Atlanta, Georgia, November 2009
- "Trademarks In Distress! (How to Buy and Sell Trademarks in Bankruptcy)," – Sponsored by the Intellectual Property Owners' Association, 37th Annual Meeting, Chicago, Illinois, September 2009
- "Managing Legal Risks and Lawyers," – Sponsored by the J. Mack Robinson College of Business, GSU, Professional MBA Program, July 2009
- "How to Survive in an Upside Down Economy - Recession-Proofing Tips and Trends from an Intellectual Property Perspective," 4th Annual IP Hot Topics Luncheon, – Sponsored by GSU College of Law, May 2009

- "[The Impact of Electronic Discovery on Corporations](#)," – Sponsored by the Atlanta Bar Association and GSU College of Law, 4th Annual SpringPosium IP Conference, Brasstown Valley Resort, Young Harris, Georgia, May 2008

Publications

- "[57 Questions to Ask When Buying a Business](#)", *Fit Small Business*, November 2017 (Quoted)
- "[Can the City of Sandy Springs Control its 'City Springs' Name?](#)," *Reporter Newspapers*, April 2016 (Quoted)
- "[Report predicts record number of US patent lawsuits in 2015](#)," *World Intellectual Property Review*, August 2015 (Quoted)
- "[The Intellectual Property Challenges of E-Discovery](#)," *Legaltech News*, June 2015 (Quoted)
- "[Semiconductor focus: Caught in the patent currents](#)," *World Intellectual Property Review*, April 2015 (Quoted)
- "[Was Abraham Lincoln Crazy? How to Find Peace in Intellectual Property Disputes](#)," *Navigating IP*, December 2014
- "[We have been selected a Tier 1 'Best Law Firm'!!*](#)," *Navigating IP*, November 2014
- "[Trademark Camp: Relationships First, Profitability Later](#)," *Navigating IP*, August 2014
- "[Summertime, The American Dream, and Intellectual Property](#)," *Navigating IP*, June 2014
- "GOING RATE: The Price of An Hour," *Daily Report*, February 2014 (Quoted)
- "IP Law in 2014: A Moving Target," *Daily Report*, December 2013 (Quoted)
- "Law Students Join App Developers in NPE Fight," *World Intellectual Property Review*, October 2013 (Quoted)
- "[ON THE MOVE: IP Lawyer Leaves Baker Donelson To Go Solo And Simplify](#)," *Daily Report*, October 2013
- "Google lends hand in NPE fight," *World Intellectual Property Review*, April 2013 (Quoted)
- "Congressmen target NPEs with loser-pays bill," *World Intellectual Property Review*, March 2013 (Quoted)

- "Quick Takes from IP Practitioners [on 2012-2013 developments]," *The National Law Journal*, February 2013 (Quoted)
- "FYI: Is It Legal To 3-D Print A Handgun?," *Popular Science Magazine*, October 2012 (Quoted)
- "Copyright: Flava Works, Inc. v. Gunter - 7th Circuit tosses injunction against social video-bookmarking site," *Westlaw Journal, Computer & Internet*, Volume 30, Issue 6, August 2012 (Quoted)
- "Doing More with Less: Effective Strategies for Policing Your Brand While on a Tight Budget," *Eight Annual SpringPosium IP Conference, Atlanta Bar Association and Georgia State University College of Law*, April 2012
- "Yahoo's IP Suit Against Facebook Could Backfire, Attys Say," *Law360*, March 2012 (Quoted)
- "Patent Reform - Practitioners Sound Off On The Merits And Drawbacks Of The Sweeping New Law," *The National Law Journal*, October 2011 (Quoted)
- "Businesses Cheer Patent Reform, Hurdles Still Loom," *FoxBusiness*, September 2011 (Quoted)
- "Patent Reform Elicits Cheers From Business, But USPTO Faces Big Challenges," *AOL Government*, September 2011 (Quoted)
- "Google Fortifies Patent Portfolio With Motorola Deal," *Managing Intellectual Property Magazine*, August 2011 (Quoted)
- "Second Circuit Says eBay Is Neither Direct Nor Contributory Infringer of Tiffany Marks," *Bureau of National Affairs (BNA)'s E-Commerce & Law*, April 2010 (Quoted)
- "Legal Issues Presented By Social Networking," *HR.com*, October 2009
- "Changing Trends in IP Disputes," *Navigating Intellectual Property Disputes*, part of the *Inside the Minds* series, Aspatore Books (2009)
- "Avoiding Infringement: Minimizing Risks Posed By Intellectual Property Litigation," *SmartBusiness Atlanta Magazine*, August 2008

Admissions

- State Bar of Georgia
- Supreme Court of Georgia
 - Georgia Court of Appeals
 - United States Court of Appeals (Eleventh Circuit and Federal Circuit)
 - United States District Courts (Northern and Middle Districts of Georgia; Eastern District of Texas; Eastern District of New York; Northern and Central Districts of California; Eastern District of Pennsylvania; District of Minnesota; and Southern District of Alabama)
- United States International Trade Commission
- United States Patent and Trademark Office

Education

- Georgia State University College of Law, J.D., 1991
 - Moot Court Board
- Loyola University, New Orleans, B.S. (Theoretical) Physics, 1988
- Henning Mediation and Arbitration, Civil Mediation Training, 2013
- American Arbitration Association, Civil Mediation Training, 1991

Professional Honors

- AV[®] Preeminent[™] Peer Review Rated by Martindale-Hubbell, 2002-present
- Selected Mediator by *United States International Trade Commission* for 337 cases.
- Listed in *The Best Lawyers in America*[®] in Copyright Law, 2013-present
- Listed in *Chambers USA: America's Leading Business Lawyers* as a leading intellectual property lawyer in Georgia, 2007 and 2009 – 2014
- Selected a Top 100 attorney by *Georgia Super Lawyers*, 2010, 2011, 2012 & 2015
- Selected to *Georgia Super Lawyers* by Law & Politics for Intellectual Property Litigation, Intellectual Property and Antitrust Litigation, 2009-present

- Named as one of Georgia's Legal Elite in Intellectual Property Law by *Georgia Trend* magazine, 2007 and 2009 – 2013
- Highest AVVO® Rating of 10.0 Superb since 2008
- "Volunteer of the Year" Pro Bono award, Southface Energy Institute, 2010

Community Leadership

- North Springs High School – Volunteer Parent, Alumnus – 2017-present
- Sandy Springs Middle School – Volunteer Parent – 2016-present
- Blessed Trinity High School – Volunteer Parent – 2016-2018
- St. Francis Middle School – Volunteer Parent – 2015-2016
- Spalding Drive Charter Elementary School – Chaperone (certified by Fulton County Schools Police Department), PTA, Volunteer Parent, and Guest Speaker - 2006-2017
- St. Jude the Apostle Catholic School – Chaperone (certified by Archdiocese of Atlanta), Volunteer Parent, Recreational Coach - 2012-2017
- North Springs Homeowners Association - Member since 1997
- Food Allergy & Anaphylaxis Network – Member since 2005
- Upward Sports (Johnson Ferry Baptist Church) - Recreational Coach, Volunteer Parent for Basketball, Baseball, Softball, Tee Ball and Flag Football - 2012-2016
- Boy Scout Troop 463 and Cub Scout Pack 236 (Sandy Springs United Methodist Church) – Adult Leader (certified by BSA) and Assistant Scoutmaster – 2014-2018
- Sandy Springs Youth Sports – Recreational Coach, Volunteer Parent for Baseball and Softball – 2015-2018