



MICHAEL W. CARWIN*

ASSOCIATE

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Michael Carwin is an associate in the firm's intellectual property litigation practice. He is a registered patent attorney and focuses on complex patent, trademark, copyright and trade secrets litigation. Within two years after receiving his law license, Michael second-chaired and won a two-week trade dress infringement jury trial in New York federal court, successfully defending the client against a \$120 million damages demand. Since then, he has continued to be a valued member of multiple high-stakes trial teams, and has successfully represented both plaintiffs and defendants at trial. For example, in 2022, Michael second-chaired and won a trial in California federal court, resulting in a favorable judgment totaling more than \$10 million in disgorged profits and a permanent injunction.

Michael represents clients in diverse technical fields, ranging from biotechnology and complex mechanical devices to computer software and hardware. He has extensive experience in federal courts and administrative agencies, including post-grant proceedings and *inter partes* review before the Patent Trial and Appeal Board (PTAB) and cancellation and opposition proceedings before the Trademark Trial and Appeal Board (TTAB).

In addition, Michael has experience in all stages of litigation, including taking and defending percipient and expert witness depositions, motions practice, trial preparation in federal court, and conducting direct and cross examinations of important fact and expert witnesses at multiple federal trials before a judge and jury. Michael understands the importance of thoughtfully developing a winning strategy at the early stages of litigation.

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BACKGROUND

Michael previously worked as an IP litigation associate at Armstrong Teasdale from 2018-2020. Prior to rejoining the firm, he was an IP litigation associate at a large law firm in the Chicago area.

EDUCATION

- Southwestern Law School (J.D., 2015)
 - Octa-Final Oralist
 - Moot Court Competition

SERVICES AND INDUSTRIES

Intellectual Property Litigation
Intellectual Property
Post Grant Proceedings
Litigation
Copyright
Trademark
Technology

ADMISSIONS

California
Missouri
U.S. District Court, Central
District of California
U.S. District Court, Eastern
District of Missouri
U.S. Court of Appeals, Ninth
Circuit
U.S. Patent and Trademark
Office

- International Law Research Assistant
- University of California, Berkeley (B.A., 2010)
 - Molecular and Cell Biology
 - Director of Health Services for the Associated Students of the University of California, Office of the President

CHARITABLE AND CIVIC INVOLVEMENT

- United Cerebral Palsy of Los Angeles, Ventura and Santa Barbara (Board Member)

EXPERIENCE

Successfully Obtained a \$10 Million Judgment for Trademark Infringement

Represented a leading energy drink brand in a trademark infringement and unfair competition case against a leading competitor from complaint filing to judgment, serving as second-chair trial counsel during the one-week bench trial in California federal court and securing a judgment of over \$10 million in disgorged profits and a permanent injunction.

Successfully Defended Promotional Products Supplier Against \$120 Million Demand

Represented a promotional products distributor in a bet-the-company trade dress infringement case against a popular reusable water bottle company from complaint filing to jury verdict, serving as second-chair trial counsel during the two-week jury trial in New York federal court and securing a unanimous verdict of no liability on all causes of action and successfully defending the client against a \$120 million damages demand.

Summary Judgment Affirmed on Appeal in Trademark Case

Secured summary judgment for a manufacturer in dispute over use of the client's mark. The plaintiff in the case sought a permanent injunction in Wisconsin and Michigan and disgorgement of profits. The U.S. District Court for the District of Wisconsin granted summary judgment precluding an award of profits and denied a permanent injunction after trial. Both rulings were affirmed on appeal to the U.S. Court of Appeals for the Seventh Circuit.

Preliminary Injunction in U.S. Customs and Border Protection Case

Obtained a preliminary injunction for a promotional company following a dispute over trade dress rights in U.S. District Court for the Southern District of New York. The injunction resulted in the release of hundreds of thousands of dollars of goods seized by U.S. Customs and Border Protection.

THOUGHT LEADERSHIP

2022

Companies Performing Financial Transactions Stuck in GUI Design Patent Infringement Cases

The Banking Law Journal, Volume 139

2021

Dr. Martens Kicks Infringers to the Curb

JD Supra