

## Representative Transactions

Mr. Michelman concentrates his practice in intellectual property, computer technology law, and entertainment law.

In his intellectual property and computer technology law practice, Mr. Michelman assists clients in the development and acquisition, use, protection, escrow, licensing, and sale of proprietary products and services under the laws governing patents, trademarks, copyrights, entertainment rights, computer software and hardware, Internet commerce, trade secrets, and know-how. He regularly handles disputes in these areas in state, federal, and international forums. For larger clients, Mr. Michelman has managed clients' patents and trademarks in the United States and abroad, as well as all of the litigation involving intellectual property in the United States and foreign courts.

With respect to Mr. Michelman's entertainment law practice, he reviews clients' print and broadcast material for compliance with the Lanham Act, the Copyright Act and trade regulation laws. Mr. Michelman also manages client entertainment and sports law matters, including having represented hip-hop rapper Nelly, actress Neve Campbell, actress Jennifer Garner, the singing group Hanson, and KangaROOS shoes, in matters involving contracts for appearances, endorsement licensing, record production and distribution, movie options, books, software publications, and sound and video recording. (Hey, if Jennifer Garner loves him, you know he's got to be good!)

- Park 'N Fly, Inc. v. Dollar Park and Fly, Inc. Represented Park 'N Fly, Inc, in an effort to secure Writ of Certiorari after an unsuccessful appeal in the Ninth Circuit Court of Appeals. Successful in obtaining a Writ of Certiorari. Briefed and argued case in the United States Supreme Court. Involved fundamental issues of trademark law that were first impression issues before the Supreme Court. In 8 to 1 decision, Supreme Court revised the Ninth Circuit and clarified the Lanham Act.
- KangaROOS, Inc. v. Edison Bros. Stores, Inc. (and several related cases). Prosecuting suits for infringement of utility and design patents against numerous infringers. Verdict upheld validity of patent.
- Dunkin Donuts of America, Inc. v. Mr. Donut. Trademark infringement claim. Settled favorably.
- Jennifer Garner and Neutrogena. Negotiated and drafted the endorsement contract between Jennifer Garner and Johnson & Johnson Corporation.
- Indoor Billboard Corp.&.Fiberlok, Inc. Negotiated patent license worth \$7 million.
- Fiberlok, Inc. Maag & Schenk Austrian Patent License. Negotiated patent license on breakthrough technology following dispute.
- KangaROOS U.S.A. v. Target, Caldor, Bridgestone Trading, Canguro s.p.a., Byong Su So, Kasimas Co. (Greece), Morse, Hang Ten (Canada), Bata (Italy), Dae Yang (Korea), Ahlens (Sweden), Americas Cup (West German), Eran (West Germany), Alliance International (Canada), National Electric Trading Company (Hong Kong), C&A (West

Germany), Norimco (Canada), Kangaroos, v. Sunkyong (Korea). Patent infringement suits settled with consent judgment in favor of client.

- Fineskin Leathers & Supplies Co. Pty. Ltd. v. Custom Accessories, Inc. Section 337 trademark and trade dress infringement action. Resolved favorably.
- Fiberlok, Inc. License Agreement with Chris Kay Ltd., Ireland. Created international distribution program for the European Union.
- Metal Exchange Corporation. Negotiated and drafted patent and know-how sublicense for a state-of-the-art metal reclamation process.
- NaviSys, Inc. Negotiation of \$90 million three-division sale and license-back of five software products to remaining divisions of parent entity and source code escrow for each product.
- Americas Group Tech Consultants. Negotiated and drafted software development agreements with Honduras.
- Edward Jones. Created Year 2000 computer contingency plan and prepared letters and notices to the public and federal regulators regarding such plans.
- Cass Bank Corporation. Created Year 2000 computer contingency plan and prepared letters and notices to the public and federal regulators regarding such plans.
- Mark Van Dyke. Negotiated ankle brace patent licenses with footwear manufacturer.
- Purina Mills, Inc. Obtained and administered company's trademark portfolio in the United States, Canada, Europe, Philippines, and Australia. Helped create America's Country Store retail operation from store design and logo to product packaging.
- Hanson. Prosecuted trademark applications for recording group in the United States and managed all foreign country filings.
- Graham Group, Inc. Negotiated and drafted patent acquisition agreement and subsequent licenses to manufacturers for "in-food" advertising device.
- St. Louis Regional Arts Commission. Negotiated and drafted contracts for the development of proprietary grant writing software.
- Cornell Haynes Jr. (pka NELLY). Negotiated and drafted recording, performance, and publishing contracts, soundtracks, movie tie-ins, clothing licensing endorsements for rap artist. Acted as general counsel for variety of business entities.
- Gamer's Alliance, Inc. Negotiated and drafted sale of internet gaming website to larger company for cash, stock, and employment positions.
- M-C Shoe Company, Inc. Negotiated and drafted acquisition of a variety of trademarks from United States and foreign owners.
- KV Pharmaceutical Co. Negotiated and drafted license of antifungal drug delivery technology to major pharmaceutical companies in the United States and Europe.
- Novotny v. Bingo Brain. Trademark infringement claims settled favorably for client, obtained trademark rights in North America.
- Bingold Ventures v. Bingo King and Bingo Brain. Third party defendant in patent infringement suit. Obtained settlement which upheld validity of client's patent.
- Bob Hattrick Communications v. Republic Radio Studios. Copyright infringement. Settled favorably.

- KangaROOS U.S.A. v. Kukje American Corporation. Patent infringement. Settled favorably.
- Envoys U.S.A. v. ICC Corporation. Korean patent infringement suit, prosecuted in District Court, Pusan, Korea. Verdict for client.
- Estate of John Michael Smith v. KangaROOS U.S.A. Copyright infringement. Settled favorably.
- Thomas Cleary v. Art-Tech. Copyright infringement claim over the ownership and use of a photograph of Mark McGuire's 70<sup>th</sup> homerun. Settled favorably.
- Metal Exchange Corporation & Alcan, Inc. Negotiated patent and know-how sublicense.
- Mid Rivers Automotive v. Mid Rivers Tire & Automotive. Trademark infringement suit. Settled Favorably.
- Navisys, Inc & Metropolitan Life. Negotiation of three division sale and license back of five software products to remaining divisions of parent entity and source code escrow for each product.
- Walt Disney Co. v. Paramount Headwear. Trademark and copyright infringement suit. Settled favorably and with client entering new business venture with other party.
- Reds Barber Salon v. Reds, Inc. Trademark infringement. Consent judgment entered in favor of client.
- Cencom Cable v. Marias Mexican Cuisine. Copyright infringement. Settled favorably.
- Valley Heat Treat Company v. McDonnell Douglas. Contract dispute regarding defective specifications. Settled at prime contract level.