



Melanie A. Miller

Member

Philadelphia

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Practice Areas

- Intellectual Property
- Trademark & Brand
- Franchising
- Commercial Litigation

Education

- Chicago-Kent College of Law, J.D., 1994
- Franklin and Marshall College, B.A., 1989

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. District Court -- Middle District of Pennsylvania

Affiliations

- American Bar Association
- Pennsylvania Bar Association
- Philadelphia Bar Association

Awards & Honors

- World Trademark Review 1000, 2023-2024

Melanie began as a commercial litigator and now concentrates her practice in all aspects of complex commercial, general, and intellectual property litigation. Melanie has 28 years of experience litigating trademarks, copyrights, patents, trade secrets, business and commercial disputes, and contract cases. Melanie currently focuses on trademark and copyright infringement, unfair competition, false advertising, trade secret litigation, technology and internet counseling, trademark and copyright enforcement, and IP licensing. She has extensive experience enforcing trademark rights, responding to threats of infringement, and litigating business, commercial, and contract disputes in federal courts across the country or before the United States Trademark Trial and Appeal Board. Melanie also advises clients on how best to protect and enforce brands whether through policing programs or in court.

Melanie represents both public and private companies, as well as individuals. In addition to her general, business, commercial, and trade secret practice, her cases have included litigation of copyrights, trademarks, and patents relating to apparel, pharmaceuticals, foods, computers, consumer products, and a variety of service sectors, including financial advisory services, hospitality and restaurant services, educational and research services, and medical services. In addition to her trial and appellate experience, Melanie regularly assists clients with trademark and copyright matters, including launching advertising campaigns; advising on branding strategies; managing portfolios; policing efforts to protect trademarks and copyrights, and counseling on domain name disputes and various intellectual property licensing arrangements. She has also guided clients on intellectual property and liability issues related to the Internet.

Melanie earned her Bachelor of Arts at Franklin & Marshall College and her law degree, with honors, at Chicago-Kent College of Law, where she was a member and senior editor of the law review. Melanie also serves as an adjunct professor at Villanova University's Charles Widger School of Law and Drexel University's Thomas R. Kline School of Law.

Experience

Secured a preliminary injunction for an energy industry client against a competitor in a case in which the client brought federal and state claims for counterfeiting, trademark and copyright infringement, cancellation of trademark registration, unfair competition, deceptive trade practices, breach of contract, and cybersquatting after the competitor began trying to pass its own products off as the client's. The court enjoined the competitor from manufacturing, importing, distributing and/or selling any products using the client's trademarks, or any confusingly similar marks, and froze the competitor's assets related to its counterfeiting and other illegal activities.

Served as lead trial counsel for Dansko Shoes against the unauthorized use of its KANE trademark.

Successfully overcame a motion to dismiss, which centered on a laches argument, in a trademark infringement case filed in federal court in Rhode Island. We then secured a favorable resolution of the matter on the eve of trial when the defendant agreed to discontinue use of our client's mark.

Counsel for the estate of the author of "Disco Inferno" whereby ownership of copyright renewal rights,

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and corresponding royalty payments, were favorably resolved.

Counsel for Wilmington Trust Company in MDL patent infringement suit instituted by RAKTL.

Counsel for Gyro Worldwide Advertising in a successful contract dispute regarding payment of indemnification.

Counsel for Oaysis Mobile, Verizon Wireless, AT&T, and Thumbplay in defense of trademark infringement claims asserted by Mantra Entertainment.

Counsel for ABR and various doctors in defense of claims of copyright infringement and breach of contract asserted by the American Board of Internal Medicine.

Counsel for Clark Capital Management Group in various trademark infringement matters.

Counsel for Celgene Corporation in various intellectual property litigation matters including copyright and trademark infringement.