MICHAEL SHAFER

SENIOR ASSOCIATE

Michael Shafer is a senior associate in the Richmond office of Dunlap Bennett & Ludwig. Michael's practice focuses on intellectual property litigation, civil litigation, and trademark prosecution.

Michael has represented clients in commercial disputes both in court and in arbitration proceedings. He has litigated complex intellectual property disputes before the federal courts including Schedule A cases, contract disputes before state courts and arbitral bodies, and many trademark disputes before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office. He has practiced in federal courts across the country, as well as served as local counsel for AmLaw 100 firms in the Eastern District of Virginia rocket docket. Through his litigation experience, Michael has gained an intimate understanding of the e-discovery process In addition to his extensive litigation experience, Michael also advises clients on trademark prosecution, licensing, and trademark portfolio management.

Prior to joining the firm, Michael worked for several firms where he gained a detailed understanding of intellectual property issues that face businesses and individuals. Michael began his career at McGuireWoods LLP, where he represented a famous brand in an infringement action, dealt with data breach responses, and enforced the intellectual property rights of his clients. Michael then worked at a boutique intellectual property firm in Florida where he became well-acquainted with the Amazon Brand Registry process, Trademark Trial and Appeal Board practice, and intellectual property issues facing e-commerce sellers. Before graduating from Harvard Law School, Michael worked at the Berkman Klein Center Cyberlaw clinic, where he represented an artificial intelligence artist accused of copyright infringement.

EDUCATION

- Virginia Commonwealth University - B.A. in English - summa cum laude
- Harvard Law School - JD

ADMISSIONS

- Virginia
- Florida
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia

CONTACT

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PRACTICE AREAS

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Richmond, VA

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EXPERIENCE

- Tangle, Inc. v. Buffalo Games, LLC (W.D.N.Y.): Counsel for Buffalo Games in copyright infringement, trademark infringement, and unfair competition suit. After successfully moving to have the suit transferred to the Western District of New York, successfully moved to have Tangle's copyright infringement claim dismissed, dealing a significant blow to their settlement position by removing potential copyright fee-shifting.

- Allright Mind Enterprises Ltd. v. Creative Arts By Calloway, LLC (Trademark Trial and Appeal Board): Counsel for Creative Arts by Calloway in a trademark opposition brought by a Canadian cannabis and cannabidiol company.Michael represented Creative Arts by Calloway during the trial portion of this case, submitting testimony and evidence as well as researching and drafting the trial brief. The Trademark Trial and Appeal Board found that the Opposer did not have a bona fide intent to use its mark in lawful U.S. commerce, overruled the opposition, and allowed the client's application to proceed through the trademark prosecution process.

- In re Jewelry Atelier LLC (Trademark Trial and Appeal Board): Counsel for Jewelry Atelier LLC in an appeal from the United States Patent and Trademark Office's refusal of the client's application. Michael wrote the appeal brief, after which the trademark examiner, upon reading the brief, chose not to file a response brief. The examiner therefore conceded the appeal and the client's application was granted registration without need for further briefing.

- Represented haircare appliance company in patent enforcement both in federal court as well as pre-litigation enforcement. Managed all discovery, including e-discovery in the federal case.

- Represented sport brand in trademark infringement and dilution action brought by well-known brand. Michael After successfully moving to transfer the case to a jurisdiction more convenient for the client, the suit resulted in a favorable settlement.

- Represented a parent company and its subsidiary in federal court in a case involving trade secret misappropriation as well as other claims involving employee misconduct. Michael managed all discovery in this case, which required significant e-discovery.

- Represented sport brand in trademark opposition against foreign competitor using an identical mark. Michael managed all discovery in the case and uncovered evidence that the Opposer had misrepresented its alleged date of first use in commerce. The Trademark Trial and Appeal Board ultimately sustained the opposition, clearing the way for the client's own trademark application.

- Represented a small artist management company in suit brought by an attorney described by many as a copyright troll. Michael uncovered evidence that the copyright registration at issue did not actually cover the work pled and successfully moved for sanctions against the plaintiff.