

Joseph Barber

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“I am a trial lawyer who advocates for my clients inside and outside the courtroom, regarding their IP and business needs.”

Mr. Barber represents his clients in all aspects of their intellectual property protection and enforcement. He litigates patent and trademark matters in federal courts throughout the country and before the United States Patent and Trademark Office as a registered patent attorney. Mr. Barber's experience in patent matters primarily focuses on mechanical, electrical, and optical technologies.

Mr. Barber represents several early-stage and startup companies in the procurement, protection, and licensing of their intellectual property. His work with these companies focuses on cost-effective intellectual property protection with the goal of establishing a strong foundation of intellectual property rights to ensure adequate protection in future disputes as the companies grow.

Mr. Barber also represents clients in their complex commercial disputes and defense of high-exposure product liability matters. His experience includes the representation of clients in business defamation, investor fraud, tortious interference, breach of contract, and directors and officers (D&O) liability matters.

**Business
Litigation**

- Intellectual Property Litigation

Representative Matters

- Obtained favorable settlement of trademark infringement claims against direct competitor. Competitor refused to settle early in the case. After close of fact discovery and development of

significant evidence of intentional copying, competitor agreed to stop using the asserted trademarks and pay a monetary settlement.

- Obtained dismissal of counterclaim for Lanham Act unfair competition on motion to dismiss in the Eastern District of Michigan. Defendant asserted counterclaim alleging Lanham Act unfair competition under a novel theory of trademark misuse where trademark owner enforced trademark rights against alleged infringer by sending cease-and-desist letters to alleged infringer's retail sellers.
- Obtained immediate dismissal of lawsuit in District of Minnesota for lack of personal jurisdiction asserting Lanham Act unfair competition, tortious interference with business relations and contract, unlawful trade practices, and deceptive trade practices.
- Obtained several temporary restraining orders against employees of client that breached their restrictive covenants by working for competitors and misappropriating client lists and leads. In each case, the temporary restraining order quickly led to a favorable settlement.
- Obtained favorable settlement of case in favor of client asserting claims of trademark infringement and defending claims of false advertising. Settlement was reached on the eve of trial when defendant was made aware of its inability to prove counterclaim damages or admit important hearsay evidence.
- Successfully defended client against claims of defamation after three day bench trial in the Northern District of Illinois.
- Obtained dismissal of a breach of contract action against a human resources software company in the Eastern District of Pennsylvania. The Plaintiff claimed breach of a settlement agreement through a clumsy attempt at a poison-pill clause. We carefully and clearly argued the plain language of the agreement could not support Plaintiff's theory. The Court agreed and dismissed the action. The Third Circuit Court of Appeals summarily affirmed the District Court.
- Obtained a favorable settlement in patent infringement lawsuit on behalf of an inventor in the Eastern District of Texas after a successful result in a claim construction hearing. The team successfully argued against the defendant's attempts to force means-plus-function language into a process patent claim. The claim construction ruling made a determination of infringement much more likely, leading to the favorable settlement.
- Obtained dismissal of trademark infringement action against a manufacturing company in the Northern District of Illinois after previously defeating a motion for temporary restraining order. The Plaintiff asserted trademark infringement through metatags to direct online shopping search results. We successfully argued to the Court that the Plaintiff's allegations were based on speculation and contained no factual support.
- Following a one-week jury trial, we obtained a favorable settlement for our client during jury deliberations on a claim involving common law investor fraud.

Education

- University of Illinois College of Law, 2008
 - J.D., *magna cum laude*
- Northwestern University, 2002
 - B.S., Electrical Engineering

Memberships

- American Intellectual Property Law Association
- Oakland County Bar Association
- Chicago Bar Association
 - Commercial Litigation Committee, Chair, 2016-2017

Admissions

- Illinois, 2008
- Michigan, 2018
- U.S. District Court, Eastern District of Michigan, 2018
- U.S. District Court, Western District of Michigan, 2018
- U.S. Court of Appeals, Third Circuit, 2016
- U.S. Court of Appeals, Federal Circuit, 2015
- U.S. District Court, Eastern District of Texas, 2015
- U.S. Patent and Trademark Office, 2013
- U.S. Court of Appeals, Seventh Circuit, 2012
- U.S. District Court, Central District of Illinois, 2012
- U.S. District Court, Northern District of Indiana, 2009
- U.S. District Court, Northern District of Illinois, 2009

Professional Achievements

- Illinois *Super Lawyers*, "Rising Stars," 2014-2018