

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 has substantial trial experience litigating 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 also represents clients in their complex commercial disputes. His experience includes trial experience in the representation of clients in business defamation, investor fraud, tortious interference, breach of contract, breach of fiduciary duty, and directors and officers (D&O) liability matters. Mr. Barber also has a niche admiralty practice representing salvors and preferred ship mortgage holders.

Finally, Mr. Barber represents companies in the procurement, protection, and licensing of their intellectual property. His work focuses on obtaining intellectual property protection with the goal of establishing a strong foundation of intellectual property rights to ensure robust protection for future disputes.

Business Litigation

- Intellectual Property Litigation
- Intellectual Property

Representative Matters

- Obtained a \$14 million jury verdict against OEM for trade secret misappropriation, unfair competition, trademark infringement, and breach of contract after two week trial. Also defeated counterclaims of trademark infringement and trademark dilution.
- Obtained favorable settlement on eve of trial on behalf of agency hired by new minor league baseball team. Baseball team refused to pay agency for procurement of team sponsorships. Prior to trial, won all contested motions in limine and excluded baseball team's expert.
- Obtained favorable settlement on behalf of business owner against co-owner in multiple lawsuits for breaches of fiduciary duty, shareholder oppression, and breach of contract.
- Represent generic drug manufacturer in on-going Hatch-Waxman Act litigation.
- 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. Court of Appeals, Sixth Circuit, 2021
- U.S. District Court, Southern District of Illinois, 2020
- 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, Tenth 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
- Michigan *Leading Lawyers*, 2024-2025
 - "Detroit 500 Most Powerful Leaders," 2025