



Fishman | Stewart

INTELLECTUAL PROPERTY

IDENTIFYING, SECURING AND ADVANCING CREATIVITY®

fishstewip.com



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Barbara Mandell is a partner at Fishman Stewart. She has over 30 years' experience in complex litigation apart from two years spent as general counsel. Her practice is focused on litigating, arbitrating and counseling her clients on patent, trademark and licensing matters as well as antitrust law. Barbara's experience includes litigation of intellectual property disputes involving patent, trademark, computer and Internet law; theft of trade secrets; breach of license and franchise agreements; trade dress and copyright infringement claims; and counterfeiting, unfair competition and false advertising claims.

Barbara began her career as a staff attorney at the Bureau of Competition of the Federal Trade Commission in Washington, D.C. Since leaving the FTC, she has developed substantial experience in legal issues that arise from the intersection of antitrust and intellectual property, such as those arising from the settlement and enforcement of patent claims, including litigation under the Hatch-Waxman Act, and antitrust and patent misuse counterclaims and defenses to IP litigation.

Companies in diverse industries and with diverse products and services have relied on Barbara for counseling and litigation matters. These industries include the automotive industry and various automotive parts suppliers; producers and vendors of computer hardware and software, silicon wafers, lasers, medical devices, prescription/generic drugs, sporting and hunting equipment, furniture, buses, industrial equipment, construction equipment, oil drilling equipment, metal cutting equipment, turbo prop engines, soft drinks and funeral products; providers of hospital and physician services; commercial lending and mortgage banking services; cell phone e-commerce services and representation of trade associations and other not-for-profit organizations.

In addition to litigating intellectual property disputes in numerous district and circuit courts around the country, Barbara has handled administrative proceedings at the Trademark Trial and Appeal Board, the Board of Patent Appeals & Interferences, the Federal Trade Commission (merger enforcement) and the International Trade Commission (patent proceeding under Section 337).

Practice Areas

- Litigation and Dispute Resolution
- Patents
- Trade Secrets
- Technology and E-Commerce
- Trademarks
- Copyrights

Education

Boston University School of Law

- J.D., *magna cum laude* (1981)

Binghamton University (S.U.N.Y.)

- B.A. *with honors*, English (1978)

Admitted

State Bar of Michigan
United States Court of Appeals for the Federal Circuit
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Ninth Circuit
U.S. Court of Federal Claims
United States Supreme Court
United States District Courts (admitted either generally or pro hac vice): Michigan, Ohio (Northern District), Colorado, Utah, New York (Southern District), California (Northern, Southern and Central Districts), Virginia (Eastern District), Wisconsin, Iowa and New Hampshire



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ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

Barbara has served as a commercial arbitrator on over four dozen American Arbitration Association (AAA) cases, including, conducting dispositive motion hearings, ruling on Markman disputes, presiding as sole arbitrator over numerous trials and writing opinions and awards. She is also a Certified SCAO Court Mediator and an approved Oakland County Civil Mediator. Her alternative dispute resolution practice has included issues arising under the Patent Laws of the United States (including patent infringement, claim construction and invalidity issues), copyright law, including the fair use doctrine, trademark infringement issues, antitrust issues, the Uniform Commercial Code, commercial contract, and disputes in connection with intellectual property licenses.

RECENT ADR TRAINING

Cyber Security: A Shared Responsibility, 2020; Case Finances: What Arbitrators Need to Know, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2017; AAA Seminar on "e Discovery: Arbitration in a Digital World," 2016; AAA Seminar on "Interim Awards, Partial Final Awards & Functus Officio," 2015; AAA Continuing Education program on Arbitration in I.P./Technology Disputes, 2014; PREMi 8 Hour Advanced Mediation/Arbitration Training, 2013; Oakland Mediation Center, (En)Lighten Up! The Power of Humor in Mediation, 2012; Certificate of Training for Mediating General Civil Cases Involving Attorneys, 2011; Supreme Court Administrative Office, Civil Mediator Training, 2010.

Organizations & Affiliations

Michigan Intellectual Property
Lawyers Association
Federal Bar Association
Federalist Society
Former executive council
member of the State Bar of
Michigan Antitrust Franchise &
Trade Regulation Committee
American Arbitration
Association Commercial Panel
Member

HONORS

Best Lawyers®
Michigan Super Lawyers®
Dbusiness Top Lawyers
Michigan Lawyer's Weekly
"Women in the Law" 2015

