



Barbara L. Mandell

PARTNER

Barbara Mandell is a litigation and trial lawyer representing clients in intellectual property and business cases throughout Michigan and around the country. Barbara brings her own brand of forceful advocacy and creative solutions to the cases she handles.

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INTELLECTUAL PROPERTY

IDENTIFYING, SECURING AND ADVANCING CREATIVITY®



Overview

Barbara Mandell is a partner at the firm. She has over 30 years' experience in complex litigation, with the exception of 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. In her words, she enjoys "taking down bullies and protecting consumers from con artists."

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 have relied on Barbara for counseling and litigation matters, including 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).

Barbara enjoys spending time with her Spanish Water dogs and sourdough baking. Due to the baking, she is also devoted to Pilates.

Education

- Boston University School of Law, J.D., magna cum laude (1981)
- Binghamton University (S.U.N.Y.), B.A. with honors, English (1978)

Memberships

Professional Associations/Memberships

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

Admitted

- United States Supreme Court
- U.S. Court of Federal Claims
- 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 Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- 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
- State Bar of Michigan (1984)

Achievements

Professional Honors & Recognitions

- Best Lawyers, 2018 – present
- Super Lawyers (Michigan), 2016 – present
- DBusiness Top Lawyers, 2017 – present
- Michigan Lawyer's Weekly "Women in the Law," 2015
- Leading Lawyers – Commercial Litigation, Copyright & Trademark Law, Intellectual Property Law

Articles, Speaking Engagements, and Webinars

- "Can you Afford the Fight? Yes, Enforcing Your Patents Doesn't Have to Cost Millions," IP MAGAZINE/LEGAL TIMES, July 23, 2007
- "Economically Efficient Patent Litigation," ANDREWS INTELLECTUAL PROPERTY LITIGATION REPORTER, Thomson/West Publishing, June 2007
- "Are Former Employees Taking You to the Cleaners? Clean Up Your Trade Secret Program Before They Clean You Out," THE DETROITER, 2005

Practice Areas

- Trademarks
- Copyrights
- Trade Secrets
- Litigation and Dispute Resolution
- IP Consulting, Transactional and eCommerce Services

Representative Matters

Glen Dimplex Americas Ltd. v. Twin-Star International, Inc., Court: United States District Court, Florida Southern |
Date Filed: Aug 18, 2020 | Docket Number: 9:20cv81340 | Nature of Suit: Patent | Cause: Patent Infringement

Glen Dimplex Americas Ltd., F/K/A Dimplex North America Limited v. Twin-Star International Inc., Court: United States District Court,
Michigan Eastern | Date Filed: Nov 09, 2018 | Docket Number: 2:18cv13504 | Nature of Suit: Patent | Cause: Fed. Question

Twin-Star International, Inc. v. Dimplex North America Limited, Court: United States District Court, Michigan Eastern |
Date Filed: Jun 08, 2018 | Docket Number: 2:18cv11842 | Nature of Suit: Patent | Cause: Patent Infringement

Arcelormittal, et al v. Ak Steel Corporation, Court: US District Court for the Eastern District of Michigan | Date Filed: Jun 11, 2019 |
Docket Number: 2:19mc50871 | Nature of Suit: Other Statutory Actions | Cause: No cause code entered

Art Van Furniture, LLC v. Specialized Foam Products, LLC, Court: US District Court for the Eastern District of Michigan |
Date Filed: Jan 18, 2018 | Docket Number: 2:18cv10220 | Nature of Suit: Trademark | Cause: Trademark Infringement

M.J.C. Homes, Inc. v. Mjc Management LLC, Court: US District Court for the Eastern District of Michigan | Date Filed: Sep 12, 2019 |
Docket Number: 2:19cv12683 | Nature of Suit: Trademark | Cause: Trademark Infringement

Stahl Inc. v. California Global Signs Information Technology Co., Inc., et al, Court: US District Court for the Central District of California
| Date Filed: Oct 15, 2018 | Docket Number: 2:18cv8897 | Nature of Suit: Patent | Cause: Patent Infringement

ADR Experience

Barbara has served as a commercial arbitrator on over four dozen American Arbitration Association (AAA) cases, including, conducting hearings and writing opinions and awards, deciding dispositive motions and discovery disputes and ruling on Markman hearings. 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. She is also a Certified SCAO Court Mediator and an approved Oakland County Civil Mediator.

In 2023, Senior U.S. District Court Judge William C. Griesbach of the Eastern District of Wisconsin confirmed the arbitration award issued by a commercial Panel chaired by Barbara L. Mandell. The case resolved multiple disputes between an inventor and a business concerning a number of patents, including the scope of the parties' agreements, the payment of royalties, patent validity, theft of trade secrets and ownership rights to the invention, along with insurance issues. The court also confirmed the Panel's award of over \$1,500,000 in attorneys fees and costs.

Dodson Int'l Parts v. Williams Int'l Co., 2020 U.S. Dist. LEXIS 103873 (D. Kan. June 15, 2020) (Julie A. Robinson, CJ), District Court Chief Judge confirmed the arbitration award of Barbara L. Mandell in this antitrust case involving airplane engines. On appeal from the District Court in Kansas, on September 13, 2021, the United States Circuit Court of Appeals for the Tenth Circuit, in Docket 20-3193, issued a written opinion affirming the District Court. Among other rulings, the Tenth Circuit held that Dodson failed to establish any grounds for vacatur of the arbitrator's award or for denial of confirmation of the award.

Golden v. Lim, 2016 U.S. Dist. LEXIS 15915 (E.D. Mich. February 10, 2016) (Laurie J. Michelson, J) District Court Judge confirmed the arbitration award of Barbara L. Mandell in this patent infringement case involving dental instruments.