



Michelle LaVoie Wisniewski

Associate

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PRACTICE AREAS

- Litigation
- Intellectual Property

OVERVIEW

Michelle LaVoie Wisniewski is an associate in the Intellectual Property Practice Group in Sheppard Mullin's Orange County office.

Areas of Practice

Ms. Wisniewski helps clients build, enforce, and protect brands. She prosecutes trademarks in the United States and coordinates worldwide brand expansion and protection. She regularly appears before the Trademark Trial & Appeal Board. She also provides strategic counseling in the field of copyright law and DMCA compliance and represents parties in domain name disputes.

Ms. Wisniewski has an active intellectual property litigation practice with an emphasis in trademark, unfair competition, copyright, trade secret, rights of publicity, and privacy matters. She has successfully represented parties before the Central District and the Ninth Circuit Court of Appeals. She is also admitted before the Northern District of California, the Southern District of California, and California state courts.

Ms. Wisniewski's experience extends to transactional matters, including the negotiation and preparation of intellectual property agreements, intellectual property diligence, licensing and ownership issues.

EDUCATION

- J.D., University of California, Boalt Hall, 2004
- B.S., Northwestern University, 1998, *cum laude*

EXPERIENCE

Representative Matters

Represented an entrepreneurial beverage company to obtain injunctive relief before the Ninth Circuit Court of Appeals and the Central District of California in *Innovative Beverage Concepts, Inc. v. Ames International, Inc.* (C.D. Cal. Case No. CV-04-00562-CJC; 9th Cir. Case No. 05-55459).

Secured district court summary judgment ruling of non-infringement in favor of the defendant to a trademark infringement matter in *Hana Financial, Inc. v. Hana Bank* (C.D. Cal. Case No. CV07-1534-PA).

Assisted in obtaining Ninth Circuit Court of Appeals approval of summary judgment award in favor of a high-tech defendant in a trade secret misappropriation matter in *Wyatt Technology v. Smithson, et al* (9th Cir. Case No. 06-56470).

Obtained favorable summary judgment ruling that trademark counterfeiting liability was non-dischargeable through bankruptcy in *Taylor Made Golf Company Inc. v. Han* (2:06-ap-01193-BR).

Helped procure transfer of domain name on behalf of a medical device company who had fallen victim to a phishing fraud through the registration and use of a domain name incorporating its trademark in *Beckman Coulter, Inc. v. Wilson* (WIPO Case No. D2010-1163).

Other representations include negotiating a favorable settlement of trademark litigation for a large retail defendant after highlighting the weaknesses in plaintiff's damages claim upon summary judgment, successfully defending an online auction site against liability for third party user conduct, and obtaining dismissal of a copyright litigation matter against a prominent online service provider based on the activities of its users.

HONORS

- Rising Star, *Super Lawyers*, 2009, 2010, 2011

MEMBERSHIPS

- Member, American Bar Association (ABA)
- Member, Intellectual Property Law Section, State Bar of California
- Member, Orange County Bar Association (OCBA)
- Member, International Trademark Association (INTA)
- Member, American Intellectual Property Law Association (AIPLA)
- Member, Association of Business Trial Lawyers (ABTL)

ARTICLES

Intellectual Property Law Blog Articles

- "Second Circuit Decision Expands Famous Trademark Owners' Rights," March 1, 2007
- "The Open Source Initiative: A 30-Second Primer," May 3, 2006