



→ Jason Mueller

Partner

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Jason Mueller is a partner in the Intellectual Property Practice Group in the firm's Dallas office and Leader of the Advertising Team. He serves on the Diversity and Inclusion Committee and is Leader of the Veterans at Sheppard affinity group within the firm.

Areas of Practice

Jason provides strategic business counseling on intellectual property, commercial and advertising issues, and he is particularly experienced in trial and appellate matters concerning creative expression and innovation. Jason has advised clients on matters concerning content protection, commercial speech, copyright, trademark, trade secret, patent and false advertising.

Jason has tried cases as lead trial counsel before juries in the Eastern, Northern and Southern Districts of Texas. Outside of Texas, he serves as lead trial counsel in courts of California, New York and several other states, representing some of the world's leading entertainment, energy, healthcare and building products companies.

Jason's trial experience informs the practical advice and counsel he delivers to clients on intellectual property and advertising issues, and he serves as leader of the firm's Advertising Industry Team. Beyond the courtroom, represents clients before the U.S. Patent and Trademark Office and the Trademark Trial and Appeals Board and defends claims or investigations initiated by the Federal Trade Commission, the Texas Attorney General's Office, the New York Attorney General's Office and several AG offices in California.

Jason and his team handle all aspects of advertising and marketing law, including sweepstakes, contests, raffles and other promotions. The team provides practical risk analysis and litigation avoidance advice related to national print, radio and television advertising campaigns and issues opinions relating to the adequacy of claim substantiation. The advertising review team is experienced in serving as primary, overflow or escalation counsel for the review of advertisements.

Honors

DAYL Foundation Fellow

Best Lawyers in Dallas, *D Magazine*, 2020

BTI Client Service All-Star, Intellectual Property, 2016

Texas Rising Star, *Texas Monthly Magazine*, 2010, 2012, 2015

2000, Honorable Discharge, U.S. Army, Infantry NCO

Experience

Jason has represented clients in cases worth collectively over \$1B, and served as lead trial counsel in 6 jury trials, including patent, copyright and trademark matters. His first-chair experience includes cases in all four districts in Texas as well as numerous courts around the United States.

Representative Matters

- Leading Financial Services Company – won motion to dismiss patent infringement claims related to stored value cards for failure to state a cognizable claim of infringement.
- Public downstream energy company – obtained favorable settlement as lead trial counsel defending copyright infringement claims in Northern District of Texas
- Website technology patent owner – obtained complete jury verdict on issues of infringement and validity in Judge Gilstrap's court as co-lead trial counsel (Eastern District of Texas)
- Major hedge fund – obtained favorable jury verdict as lead trial counsel defending claims of copyright infringement and Digital Millennium Copyright Act (DMCA) claim in Southern District of Texas
- Silicon Valley startup – obtained dismissal of core copyright claim brought by craigslist relating to copies of user generated content in Northern District of California as co-lead trial counsel
- Large accessory products company – obtained walk-away settlement as lead trial counsel defending trademark infringement matter in Southern District of Texas
- Energy operations company – obtained favorable settlement as lead trial counsel defending copyright infringement claims in Southern District of Texas
- Consulting and engineering services firm – obtained favorable settlement as lead trial counsel defending copyright claims in the Northern District of Texas
- Construction company – obtained complete victory against claims of copyright infringement of architectural plans in the Northern District of Texas
- Entertainment services company – defend claims alleging misappropriation of celebrity's right of publicity
- Major Airline – provide advice and counsel regarding advertising claim formulation and analysis of substantiation
- Leading retailer – manage trademark enforcement and disputes
- Leading online dating services provider – provide advice and counsel on trademark, copyright and advertising matters
- Several leading insurance providers – provide advice and counsel on the advertising and marketing claims for services and products related to P&C, life, health and related lines
- National advertising agency – matters involving national marketing campaigns including pre-clearance and substantiation review
- Large national media company – trademark litigation matter involving a major newspaper
- Major national clothing retailer – routinely provide regulatory compliance counsel on matters of federal and state laws governing advertising, pricing and promotions

- International real estate developer – advice on acquisition of substantial domain name portfolio
- Medical device manufacturer – represented company in its false advertising and patent infringement claims against its primary competitor
- Medical device manufacturer – enforced trade secret and patent claims against foreign competitor
- Leading architectural firm – managed copyright portfolio registration and strategy
- Architectural and development company – asserted copyright claims against infringer
- Major production studio – defended multiple intellectual property lawsuits alleging copyright, trademark and related claims
- Energy services company – managed client review and purchase of IP asset portfolio that included patents and pending applications, software and underlying copyrights, trademarks and trade secrets
- Major airline – managed trademark globalization process involving the worldwide expansion of client's most strategic trademarks
- Major national sporting goods retailer – routinely provide advice and counsel on IP sweepstakes, contests and general advertising matters
- Represented entrepreneurs and startups by providing advice and counsel regarding protection of intellectual property, business structuring and general business issues. Examples include Terra's Dancewear; Breastaurant Uniforms; Opposite, Inc.; AI Intellectual Property; Fat Boy Labs; and Utility Concierge, 3 taps, live lovely, MOBI and others
- Developed and drafted official rules for scores of sweepstakes, contests and premium promotional marketing campaigns involving complex arrays of entry methods, user generated submissions, post-promotion media blitz coverage and many other legal challenges

Articles

- All in a Day's Work from Home: How to Successfully WFH
Texas Lawbook, 03.30.2020
- Offering Promotions For Facebook Likes
Law360, 12.23.2011

Covering Your Ads Blog Posts

- "California's Fair Pay to Play Act: This is Only The First Quarter," October 4, 2019

Intellectual Property Law Blog Posts

- "Easier Copyright Registration Coming for Blogs and Social Media Posts," August 10, 2020
- "U.S. Supreme Court Rules that Profits Available Even from Non-Willful Trademark Infringers," April 23, 2020

Media Mentions

Seven criteria to help leaders determine if a task should be delegated
Dallas Business Journal, 04.15.2020

Jared Sine Leads Match's 'World Class' Legal Department
The Texas Lawbook, 01.23.2019

Atty Fees Chopped By \$1.6M In Energy Newsletter IP Suit
Law360, 08.01.2018

Movers & Shakers Feature
The Deal, 04.20.2018

Sheppard Mullin Opens Dallas office
World Intellectual Property Review, 04.17.2018

Sheppard Mullin opens up shop in Dallas
World Trademark Review, 04.17.2018

Sheppard Mullin Enters Texas Market With Dallas Office
Law360, 04.16.2018

Sheppard Mullin Officially Opens Dallas Office
The Texas Lawbook, 04.16.2018

Sheppard Mullin Launches Dallas Office
Texas Lawyer, 04.16.2018

5 tips for Crafting Ads that Pass FTC Muster
Law360, 08.23.2013

Craigslist's Claims Trimmed in Real Estate Listings Row
Law360, 04.30.2013

Hostess Brands Look Appetizing to Rivals, PE Firms
Law360, 11.16.2012

3Taps Lodges Antitrust Claims in Craigslist Copyright Row
Law360, 09.25.2012

Speaking Engagements

Speaker, "Mine, Yours and Theirs: IP Concerns for Event and Trade Show Organizers," Expo! Expo! IAEE's Annual Meeting & Exhibition, December 13, 2018

Speaker, "Retail Prize Promotions: How to Run Successful (and Legal!) Contests, Sweepstakes, and Giveaways," RILA Retail Law Conference, October 11, 2018

Speaker, "Protecting and Enforcing Your Brand in the Intellectual Property Domain Name and App Arenas," The 2017 ANA/BAA 39th Marketing Law Conference, November 13-15, 2017

Speaker, "Enforcing Trademarks & Protecting Your Brand," The 2016 ANA/BAA 38th Marketing Law Conference, November 9-11, 2016

Events

2020 ANA/BAA Marketing Law Conference: A Virtual Experience
Virtual, 11.10.2020-11.12.2020

Restaurant Law Center 2019 Restaurant Legal Summit
October 23-25, 2019

Retail's Top 5 Legal Trends & Issues Webinar
05.09.2019

2018 ANA/BAA 40th Marketing Law Conference
11.2018

Retail Law Conference
Retail Industry Leaders Association
October 10-12, 2018

Memberships

Member, Dallas Business Journal Leadership Trust

Member, Rockwall County Bar Association

Member, Texas Bar Association

Member, Dallas Bar Association

Member, College of the State Bar of Texas

Former Member, Board of Directors, Qualtrust Credit Union

Former Member, Steering Committee, Texas Minority Counsel Program (TMCP)

Practices

Intellectual Property

Copyrights

Patent Litigation

Trademarks and Trade Dress

Advertising

Industries

Advertising

Aerospace & Defense

Energy, Infrastructure and Project Finance

Entertainment, Technology and Advertising

Fashion, Apparel and Beauty

Food and Beverage

Government Business Group

Retail

Sports

Education

J.D., Southern Methodist University Dedman School of Law, *cum laude*

B.S., Ouachita Baptist University, 1995

Admissions

Texas

U.S. Patent and Trademark Office

U.S. Supreme Court

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas