

Michelle Mancino Marsh

PARTNER

Michelle has built an impressive track-record practicing in trademark, copyright, patent, unfair competition/false advertising, anti-counterfeiting/anti-piracy, internet, and fashion and wearable technology law.



Industries

Consumer Products
Fashion & Retail
Life Sciences
Media & Entertainment

Practices

Complex Litigation
Copyright
Patent
Trademark
Trade Secrets

International

Europe

Education

Fordham University School of Law JD,
Moot Court Board, Editor in Chief, Dean's
List, Fordham Urban Law Journal, 1996
Colgate University BA, cum laude, 1993

Offices

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Michelle's clients span a broad range of industries including fashion and retail, food and beverage, computer software and hardware, educational services, financial and consulting services, pharmaceutical, and media and entertainment. Michelle is distinguished not only by the victories she has achieved for her clients but also for the wider influence and interest her cases have generated. She represents clients in state and federal courts, at the U.S. Patent and Trademark Office and before the International Trade Commission. She has also successfully obtained preliminary injunctions and *ex parte* seizure orders on behalf of her clients, and works closely with U.S. Customs and Border Protection and law enforcement in coordinated anti-counterfeiting efforts. She has argued and won numerous federal and state court appeals, including the Second Circuit's seminal famous marks case of *ITC Ltd v. Punchgini, Inc.* Michelle has also successfully represented numerous companies in connection with design patent disputes in industries ranging from consumer products to industrial products.

Complementing her litigation work, Michelle's practice also includes counseling and opinions, trademark and trade dress prosecution, devising cost-effective brand protection programs, negotiating licenses, IP acquisitions, and co-branding agreements on behalf of clients, and counseling clients on the use of social media and other online platforms to market and sell their goods and services.

Previous Work

Michelle was a partner at a well-known intellectual property boutique for 11 years prior to joining Arent Fox.

Professional Activities

Michelle is a member of the International Trademark Association, the New York Intellectual Property Association and National Association of Women

Lawyers where she is an active member of the Women in Fashion Law Practice Area Affinity Group.

Publications, Presentations & Recognitions

Michelle has received recognition for excellence in practice from a number of external organizations. Notably, she won "Best in Copyright" at the 2015 Euromoney Legal Media Group's Americas Women in Business Law Awards; awards which recognize women lawyers who are influential and leading professionals in a practice area.

- She has received recognition from a number of legal publications, including the 2017 and 2015 editions of World Trademark Review 1000 which notes that she is "a trusted advisor" and an "outstanding" trademark litigator whose "role in securing crucial federal court victories has attracted much admiration."
- She has been recognized by Super Lawyers as a Top Rated Intellectual Property Litigation Attorney in New York (2017).
- The Legal 500 United States (2014 and 2016), The International Who's Who of Trademark Lawyers (2014), and the 2014 edition of Benchmark Plaintiff which named her one of the "Top 150 Women in Litigation."
- Benchmark Plaintiff also named Michelle as a "Local Litigation Star (2014) - New York, Plaintiff."
- Additionally, Michelle has been recognized as a New York "IP Star" by Managing Intellectual Property.
- Her previous recognitions include being named to Benchmark Plaintiff's "Top 30 IP Litigation Stars" in the United States and "Top Local Litigation Stars" in New York (2012), as well as being recognized by IP Law and Business Magazine as one of the "Top 50 IP Attorneys" under the age of 45.
- In 2011, she was selected as an "Attorney of the Year" for growing businesses by The New York Enterprise Report. In 2016, Michelle was named a WIPR leader by World IP Review.
- Michelle has presented numerous speeches to industry professionals on a wide variety of topics, including the impact of *Star Athletica, L.L.C. v. Varsity Brands, Inc.* on the fashion industry, famous marks protection in the United States, avoiding litigation in the footwear industry, legal trends in social media, and non-traditional trademark protection.

Publications/Presentations:

- "Sports Gambling, Fantasy Sports & Esports — The New Frontiers: Minimizing Risk/Maximizing Opportunities," March 27, 2019.
- Navigating the IP Minefield in Wearable Tech, Smart Fabrics + Wearable Technology Conference, May 2015
- "Using Numbers to Win Your Case," *World Trademark Review*, November 12, 2014.
- "Fabric Designs: A Bouquet of Thorny Legal Issues," *Intellectual Property Magazine*, April 2014.
- "Increase in Cybersquatting with the New gTLDs," March 27, 2014.
- "The Federal Circuit Extends the Doctrine of Prosecution History Estoppel to Design Patents," January 14, 2014.
- "A Primer on IP Protection for Crowdfunding Projects," *Today's General Counsel*, December/January 2014.

Bar Admissions

New York
New Jersey

Court Admissions

US District Court, Eastern District of New York
US District Court, Southern District of New York
US Court of Appeals, 2nd Circuit
US Court of Appeals, 4th Circuit
US Court of Appeals, Federal Circuit
Supreme Court of the United States