

Anthony J. Biller



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Partner

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BOARD CERTIFIED SPECIALIST
NORTH CAROLINA STATE BAR
Trademark Law

Court Admissions

- North Carolina
- United States Court of Federal Claims
- United States District Court, Middle District of North Carolina
- United States District Court, Eastern District of North Carolina
- United States District Court, Western District of North Carolina
- United States District Court, Western District of Michigan
- United States Court of Appeals, Federal Circuit

- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States Supreme Court
- United States District Court Colorado

Education

- Campbell University, Juris Doctor (J.D.), magna cum laude, managing editor, Campbell Law Review, 1997
- Purdue University, Bachelor of Arts (B.A.), Distinguished Military Graduate
- Erasmus University Rotterdam, 1989

Bar Activities

- Alliance Defending Freedom National Litigation Honor Corps Member 2008 - present
- Chair & Organizer, Technology + The Law Symposium, Durham, NC 2018 & 2019
- Member, Law & Technology Committee, N.C. Bar Association 2019-present
- Former Intellectual Property Litigation Adjunct Professor, Campbell University, Norman Adrian Wiggins Schools of Law
- Former Chair, American Bar Association, Trademark Litigation Committee
- Former Chair, American Bar Association, Trademarks and the Internet Committee
- Former Intellectual Property Adjunct Professor, Handong International Law School, South Korea

Honors & Recognition

- NC State Bar Board Certified Specialist, Trademark Law, 2013 - present
- Influencers in Law, The Business Journal, 2019
- The Best Lawyers in America®, Litigation - Intellectual Property, Patent Law, 2018, 2019, 2020, 2021 & 2022
- Legal Elite Hall of Fame, Business North Carolina, 2013
- Lexology Client Choice Award 2013
- Legal Elite, Business North Carolina, 2008 - 2012
- Leader in the Law, North Carolina Lawyers Weekly, 2012

Prior Employment & Experience

Michael Best & Friedrich, LLP

April 2018- December 2020

Managing Partner, Raleigh Office; full time intellectual property litigation and Board Certified Specialist in Trademark Law; more than twenty years of experience in patent, trademark, copyright and trade secret litigation in trial and appellate courts nationwide.

Coats & Bennett, PLLC

2000 - 2018

Member; Executive Committee; full time intellectual property litigator representing clients in patent,

trademark, copyright, and trade secret litigation in trial and appellate courts throughout the country. Advise and assist clients with managing their intellectual property assets. Advise clients on brand and content management, licensing and other IPR contracts, and trade secret issues.

Maupin Taylor & Ellis PA

1998 - 2000

Litigation Associate

U.S. District Court for the Middle District of North Carolina

1997 - 1998

Judicial Clerk for the late Honorable William L. Osteen, Sr.

United States Army

1990 - 1994

Captain - Jumpmaster and Ranger, 82nd Airborne Division

Representative Cases

- Lead litigation counsel in patent, trademark, copyright, and trade secret lawsuits in all North Carolina federal districts, North Carolina business and general trial courts, as well as District Courts in South Carolina, Virginia, West Virginia, Tennessee, Maryland, Kentucky, Georgia, Florida, Alabama, Texas, California, Colorado, California, Washington, Wyoming, Minnesota, Wisconsin, Michigan, Pennsylvania, New York, Delaware, the U.S. Court of Claims, and the USPTO Trademark Trial and Appeal Board.
- Successfully argued appeals before the North Carolina Supreme Court as well as the U.S. Courts of Appeals for the Federal, Fourth, Sixth, and Eleventh Circuits.
- Obtained preliminary injunction for North Carolina bowlers on state constitutional claims against gubernatorial executive orders shutting down industry, and defended emergency appeal to North Carolina Supreme Court.
- Represented Illinois bowlers on state constitutional claims in TRO motion against gubernatorial orders restricting operations; obtained prompt, favorable settlement.
- Successfully defended municipality against preliminary injunction alleging violation of First Amendment protest rights; obtained prompt, favorable settlement.
- Defeated motion for temporary injunction brought against engineer on a claim for breach of non-compete agreement.
- Obtained preliminary injunction enforcing non-compete agreement against former sales manager.
- Represented protest movement against State and municipality regarding protection of their First Amendment rights; obtained prompt, favorable results.
- Obtained a finding of willful patent infringement, permanent injunction and \$3 Million award at summary judgment against a Fortune 100 retailer on behalf of a textile manufacturer in the Eastern District of North Carolina.
- Led seizure of counterfeit health supplement products and counterfeiter's computers, decryption of which led to prompt and beneficial settlement in the Middle District of North Carolina.
- Co-chaired jury trial where obtained verdict of willful trademark infringement and cybersquatting for luxury destination and retail brand client against competitor retailer in the Western District of North Carolina.
- Won summary judgment of non-infringement in trademark lawsuit between restaurant chains in the Southern District of Florida; argued and won appeal at 11th Circuit Court of Appeals.

- Defended trade secrets lawsuit involving over 1,000 alleged trade secrets in the Middle District of Georgia and obtained favorable settlement for client.
- Defeated preliminary injunction and won summary judgment in trademark lawsuit between dentists in North Carolina Business Court.
- Successfully enforced patent against key competitor in water purification industry for client; defeated antitrust license, and covenant not to sue counterclaims and obtained favorable claim construction which led to favorable settlement for client.
- Successfully defended copyright lawsuit against fintech client in the District of Minnesota.
- Litigated numerous architectural works copyrights in the North District of Alabama to successful results for client.
- Enforced arbitration agreement in the Northern District of Kentucky to consolidate and successfully resolve trademark disputes in multiple countries between nonprofit organizations; argued and won appeal at 6th Circuit Court of Appeals.
- Won numerous Trademark Trial and Appeal Board proceedings.

Publications

- Let's Create A Blockchain-Based Trademark Registry, Law360, May 12, 2020
- Distributed Ledger Trademark Registry? A Proposal for One Ledger to Rule Them All!, Journal of Internet Law, November 2018
- Successful Small Business Strategy for the International IPR game, Thomson Reuters News and Insight April 2012
- A Cure for the Common Troll, OpenSource.com, February 20, 2012
- Internet Service Provider Liability: The Devil's in the Details, World Trademark Review December/January 2010
- Who is Going to Own Dot Amazon? - The Pending Domain Name Land Grab, Landslide vol. 2, issue 2 pp 8-13 Nov/Dec 2009
- What to do if you forgot to register your Facebook URL, Advertising Age.com, The Business Insider/Silicon Alley Insider, CNNMoney.com and Technorati.com July 2009
- Contributing Author, American Bar Association's Model Jury Instructions series for Copyright Infringement Cases, 2008
- Once You Build a Brand, Prepare to Defend It, Business North Carolina June 2005
- Preparing For Architectural Works Copyright Litigation, Design Lines December 2004
- Good Faith Mediation: Improving Efficiency, Cost, and Satisfaction in N.C.'s Pre-Trial Process, 18:2 Campbell L. Rev. 281 (Spring 1996)

Interviews & Presentations

- Blockchain in Trademark Transactions and Enforcement, Strafford (Dec. 9, 2020) (Webinar)
- Association of Corporate Counsel Triangle Chapter Lunch and Learn, Intellectual Property Update (Co-Presenter) (Co-Presenter), Nov. 18, 2020 (webinar)
- Attorneys Predict Outcome of Allen v. Cooper, Westlaw Journal - Intellectual Property v.26, issue 16 (Nov. 20, 2019)
- Conference Organizer and Panel Moderator, 3-D Printing and Additive Manufacturing, Technology + Law Symposium, J.B. Duke Hotel, Durham, N.C. Nov. 7, 2019
- Association of Corporate Counsel Triangle Chapter Lunch and Learn (Co-Presenter), The Impact of Distributed Ledger Technology on Commerce Archie Davis Conference Center, March 27, 2019
- Lecturer, Trademark Basics - Selection and Protection, Intellectual Property Law Institute's

Copyright and Trademark Bootcamp, North Carolina Central University School of Law, June 9, 2018.

- Conference Organizer, Technology + Law Symposium, J.B. Duke Hotel, Durham, N.C. Nov. 2018
- Guest Lecturer IP Survey: Legal Environment of Business, Campbell University Lundy-Fetterman School of Business, 2012-2014
- Hseih, Sylvia. (2013, June 14). Will Obama's Proposals Rein in Patent Trolls? North Carolina Lawyers Weekly.
<http://nclawyersweekly.com/2013/06/14/will-obamas-proposals-rein-in-patent-trolls/>
- Practitioner Panel Discussion, Panel Moderator: The New Global Convergence: Intellectual Property, Increasing Prosperity, and Economic Networks in the 21st Century (March 16, 2012), Campbell Law, March 16, 2012
- Panelist: Addressing Considerations for Small and Mid-Size Businesses Regarding International IP and International Dispute Resolution, ILJ & JOLT Symposium on Anticipating Dissension: When Legal Frameworks, U.S. Commerce and Foreign Markets Intersect, UNC Law, January 27, 2012
- Norman A. Wiggins School of Law - Campbell University 2011 - 2013 Adjunct Professor, Intellectual Property Litigation
- Panel Moderator: The Myth of Likelihood of Dilution? 26th Annual Intellectual Property Law Conference (ABA), Arlington, VA April 8, 2011
- Drake, Scott. (2010, July 20). Small Business Trademarks. Legal Broadcasting Network.
<http://thelegalbroadcastnetwork.squarespace.com/the-lbn-blog/2010/7/20/anthony-biller-small-business-trademarks.html>
- Trademark & Copyright Law for Designers, Pitt County Community College, Winterville, NC July 14, 2010
- Cohen, Deborah L. (2010, May 31). Don't Wait to Protect Your Brand. Reuters.
<http://www.reuters.com/article/idUSTRE64U36I20100531>
- The Most Important Trademark Presentation of Your Career: Initial Interest Confusion, Panelist, 25th Annual IP Law Conference (ABA) Arlington, VA April 8, 2010
- New gTLD Rollout—conflict, Panelist, New Frontiers in Online Trademark: Generic Top-Level Domains (gTLD) and Non-Roman Domains,; Duke Intellectual Property & Cyberlaw Society, Duke University, February 19, 2010
- Noveck, Jocelyn. (2010, January 8). Obama Billboard Ad to Be Taken Down in 2 Weeks. Associated Press. <http://abcnews.go.com/Entertainment/wireStory?id=9513266>
- Vinluan, Frank. (2010, January). Trimeris Wins Bout on Way to Fighting Novartis Lawsuit, Triangle Business Journal.
<http://triangle.bizjournals.com/triangle/stories/2010/01/25/story12.html>
- Vitale, Anna. (2009, December 28). Clothing Giant Faces Down South Butt: Trademark Cases Raises Dilution Parody Issues. Missouri Lawyers Weekly.
<http://annavitale.blogspot.com/2009/12/clothing-giant-faces-down-south-butt.html>
- Cullen, Chelsea. (2009, December 15). Brand Marketing: How to Protect Yourself from Brand Bullies. French West Vaughn. <http://www.fwv-us.com/blog/category/Client%20News>
- The Business of Being an Artist, Visual Art Exchange, Meredith College October 22, 2009
- Holland, Cynthia. (2009, September). Direct Examination: A Q&A Interview with Intellectual Property Attorney Anthony Biller. NC Lawyers Weekly.
<http://www.allbusiness.com/legal/legal-services-lawyers/13055187-1.html>
- Shaffer, Josh. (2009, August). Math whiz hopes method will multiply. News & Observer and Charlotte Observer.
<http://www.newsobserver.com/2009/08/10/58622/math-whiz-hopes-method-will-multiply.html#storylink=misearch>

- Taking Trademarks to the Top Domain: Opportunities and risks in the new gTLD space, Moderator, American Bar Association Section of Intellectual Property Law, Audio Conference Webinar February 5, 2009
- Intellectual Property Management, Guest Professor, Handong International Law School, Pohang, South Korea, July 2008
- Intelligent Design - a conversation with Dr. Phillip E. Johnson, Interviewer, the North Carolina Central University School of Law chapter of The Federalist Society Feb. 9, 2006
- 10 Things a Builder Should Do/Not Do (to live in harmony with the Copyright Act), Co-presenter AIBD chapter, Kansas City, September 14, 2005, and CPHD - Counsel of Publishing Home Designers, Washington, DC - January 13, 2005
- Featured Speaker & Instructor, Intellectual Property for Filmmakers, SIACFF - San Antonio Independent Christian Film Festival & Film Academy, San Antonio, TX October, 2005

Professional Memberships

- American Bar Association litigation and intellectual property practice groups
- International Trademark Association
- Federalist Society
- Alliance Defending Freedom

Community & Charitable Involvement

- Board of Directors, Answers in Genesis 2011 - present
- Board of Directors, Capitol Commission, 2019 - present

Interests & Activities

- Married 30+ years, 10 children
- Soccer Coach
- Former Chief, YMCA Guide/Indian Princess Program, Mighty Twirling Tulips Tribe

Practice Areas

- **Corporate and Business Law**
- **Intellectual Property**
- **Investigations**
- **Litigation**
- **Regulatory**
- **Business Transactions**

Tony is a litigator and business attorney. He helps clients investigate, identify and solve business and legal problems ranging from all forms of lawsuits and legal disputes to setting up, operating or ending business, detailed contract and licensing negotiations, and drafting. He has litigated hundreds of commercial disputes in federal and state trial and appellate courts nationwide and has helped clients resolve and avoid even more. He helps clients select, screen, register and manage trademarks and portfolios worldwide. He also has extensive experience assisting clients with patent,

copyright, and trade secret needs and policies. The North Carolina State Bar recognizes Tony as a certified trademark specialist.

Given the recent dramatic expansion of government regulation, he has been heavily engaged in constitutional litigation in trial and appellate courts across the country, with recent unparalleled successes in assisting clients with such cases in North Carolina.

Prior to starting Envisage, Tony was an office managing partner for an AMLaw 200 firm, and prior to that an executive committee partner in a North Carolina boutique patent law firm where he focused on intellectual property litigation. Before entering private practice, Tony served as a United States District Court judicial clerk to the Honorable William L. Osteen, Sr., in the Middle District of North Carolina. Tony Biller began his legal career after serving four years as an Army Airborne Ranger in the 82nd Airborne Division where he advanced to the rank of Captain.

A Rich Tradition. A Bright Future.

We exist to help our clients achieve their visions for the future.

We stand shoulder to shoulder with our clients, helping them to anticipate, avoid and overcome challenges and obstacles to their successes.

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