

Text for SDM Bio on ADDMG Resume

Stephen D. Milbrath

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Orlando

Practice Areas:

- Intellectual Property Litigation
- Complex Business Litigation and Arbitration

Admitted:

- The Florida Bar (since 1977)
- United States Supreme Court
- United States Court of Appeals: Federal, Fifth and Eleventh Circuits
- United States District Courts: Northern, Middle and Southern Districts of Florida

Education:

- 1976: J.D., Oklahoma City University
- 1973: M.S. P.A., Florida State University
- 1972: B.A., University of Central Florida

Biography:

Mr. Milbrath is Board Certified by The Florida Bar in Business Litigation and Intellectual Property Law Attorney.

He has substantial experience in the trial and appeal of complex cases, including all phases of intellectual property and business law, and in the representation of litigants in federal court appeals.

Mr. Milbrath served as the Law Clerk to the Honorable Dwain Box, Chief Judge, Oklahoma Court of Appeals, Division I, during 1975-76, and as the Law Clerk to the Honorable George C. Young, Chief Judge, United States District Court, Middle District of Florida in 1977-78.

After his clerkship and a period of private litigation practice, Mr. Milbrath served as an Assistant United States Attorney for the Middle District of Florida during 1980-83 and as a Special Assistant United States Attorney in 1989.

While in law school, Mr. Milbrath served as the Survey Editor for the Oklahoma City University Law Review (1976) and was the recipient of the American Jurisprudence Book Awards in Commercial Paper and Remedies.

Representative Legal Publications

- Author: "The 11th Circuit's New Copyright Standard for Architectural Works," *The Florida Bar Journal*, Vol. 83, No. 10 (Nov 2009)
- Author: "Defending The Copyright Claim: Some Initial Issues to Evaluate," Defense Research Institute, Commercial Litigation Committee, *The Business Suit* (March 2006)
- "Non-price Vertical Restraints and Antitrust Law: Dealing with the Uncertainty in a Changing Legal Climate," 1 *The Quarterly Report* 11, Sp., 1988, Fla. Bar Business Section
- "Medical-Legal Ramifications..." 11 *Bulletin of the American Academy of Psychiatry and the Law* 57, 1983
- "Practice Under Florida Usury Law," Ch. 1 and 2, 1980 update (The Florida Bar)
- Case Comment, "Supreme Court Restricts Standing Requirements to Challenge Exclusionary Zoning in Federal Courts," 1 *Okla. City Univ. L. Rev.* 98, 1977
- Co-Author: "Medical-Legal Ramifications..." 11 *Bulletin of the Am. Academy of Psychiatry and the Law* 57, 1983
- Co-Author: "The Florida Antitrust Act of 1980," *The Florida Bar Journal*, October and November, 1980 (received the First Place Award, Section

Column, The Florida Bar Journal).

- Co-Author: "Conflict of Laws," Survey of Oklahoma Law, 2 Okla. City Univ. L. Rev. 98, 1977.
- Contributing Author, The Florida Bar Business Law Journal (2008)

Representative Cases

- *MacKillop v. Parliament Coach Corp.*, 2009 U.S. Dist. LEXIS 103588 (M.D. Fla. Oct. 21, 2009) (Product Warranty Claim)
- *800 Adept, Inc. v. Murex Securities*, 505 F. Supp. 2d 1327 (M.D. Fla. 2007) (Patent)
- *Capo, Inc. v. Dioptics Medical Products, Inc.*, 387 F.3d 1352 (Fed. Cir. 2004) (Patent)
- *Artisan Contractors Association of America, Inc. v. Frontier Insurance Company, et al.*, 275 F.3d 1038 (11th Cir. 2001) (Copyright)
- *Montgomery v. Noga*, 168 F.3d 1282 (11th Cir. 1999) (Copyright)
- *Woodland Trust v. Flowertree Nursery, Inc., et al.*, 148 F.3d 1368 (Fed. Cir. 1998) (Patent)
- *Pretty Punch Shoppettes, Inc. v. Marge Hauk d/b/a Creative Wonders*, 844 F.2d 782 (Fed. Cir. 1988) (Patent)
- *Fun Spot of Florida, Inc. v. Magical Midway of Central Florida, Inc., et al.*, 242 F. Supp. 2d 1183 (M.D. Fla. 2002) (Patent, Trademark)
- *ABP Patent Holding, LLC v. Convergent Label Technology, Inc., et al.*, 194 F. Supp. 2d 1257 (M.D. Fla. 2002) (Patent)
- *NIDA Corporation v. Ken Nida, et al.*, 118 F. Supp. 2d 1223 (M.D. Fla. 2000) (Trademark)

Representative Bar Presentations and Lectures:

- Case Law Update: Software Related Copyright Issues, IP Committee Meeting at The Florida Bar Business Law Section 14th Annual Retreat in Naples (September 5, 2009)
- *Willfulness: A Year After Seagate* (published for AIPLA Annual Meeting,

October 2008)

- Securing, Preserving, and Enforcing Intellectual Property in Trade Secrets in the Plastics Industry (Fluoropolymers Division Fall 2007 Conference)
- Copyright and Software Litigation/Related Computer Issues – Intellectual Property Law Certification Review (July 2007)
- Electronic Discovery in Federal Civil Cases: The New E-Amendments, OCBA Labor and Employment Seminar (presentation with Robert H. Thornburg, March 23, 2007)

Affiliations:

- Adjunct Lecturer in Internet Law, Univ. of Florida, Levin Law Center (2002-03)
- The Florida Bar: Business Law Section, Intellectual Property Committee, Computer and Cyber Law Committee (Vice Chair, 2009)
- Orange County and Hillsborough County Bar Associations
- The Federalist Society