# STEPHEN D. MILBRATH

Direct Line:.407-492-0259. Stephendmilbrath@gmail.com. Websites: [www.theiplitigator.com](http://www.theiplitigator.com/) and [www.acceliplaw.com.](http://www.acceliplaw.com/)

**EXPERIENCED SENIOR BUSINESS AND IP LITIGATOR**

Stephen Milbrath is Board Certified by The Florida Bar in Business Litigation and Intellectual Property Law. 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 and state court appeals. He is available for consultation with other firms requiring co-counsel in IP or complex cases.

Mr. Milbrath served as a law clerk to the Honorable Dwain Box, Chief Judge, Oklahoma Court of Appeals, Division I, while in law school, and as the law clerk of to the Honorable George C. Young, Chief Judge, United States District Court, Middle District of Florida in 1977-78, after graduating third in his class. After his Clerkship and a period of private practice with a litigation firm, Mr. Milbrath served as an Assistant United States Attorney for the Middle District of Florida during 1980-83 and 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 American Jurisprudence Book Awards in Commercial Paper and Remedies.

**PRACTICE AREAS:**

Intellectual Property Litigation and Complex Business Litigation and Appeals 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

# AFFILIATIONS:

Adjunct Lecturer in Internet Law, University of Florida, Levin Law Center (2002-03)

The Florida Bar: Business Law Section, Member: Intellectual Property Committee and Computer and Cyber Law Committees

Orange County, Lake County and Seminole County Bar Associations.

The Federalist Society

# RECENT PROFESSIONAL HISTORY:

**Accel IP Law, PLLC Orlando and Cocoa Fl: December 2020 to Present:** Partner: handing business litigation and trademark and copyright litigation. Websites: [www.acceliplaw.com](http://www.acceliplaw.com/); [www.theiplitigator.com](http://www.theiplitigator.com/). Orlando office: 1137 Edgewater Drive, Orlando, Fl. 32804.

**Byrd Campbell, P.A**., Winter Park, Fl.: Feb. 2017 to Dec. 2020: Manager of IP Group, Senior litigator

**Allen, Dyer, Milbrath, Gilchrist, & Doppelt, P.A**., Orlando, Fl: Nov. 1991 to Feb. 2017: Shareholder: Intellectual Property Litigation and Business and Antitrust Litigation

**Litchford, Christopher & Milbrath, P.A**., Orlando, Fl: Dec. 1986 to Nov. 1991: Shareholder: Intellectual Property Litigation, Antitrust and Business Litigation

**PUBLICATIONS INCLUDE:**

Author: The 11th Circuit’s New Copyright Standard for Architectural Works, “The Florida Bar Journal, Vol. 83 No. 10 (Nov. 2009);

Co Author: “The Florida Antitrust Act of 1980,” The Florida Bar Journal, Oct. and Nov. 1980 (recipient of First Place Award, Section Column);

Co Author; “Conflict of Laws,” Survey of Oklahoma Law, 2 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)

# REPRESENTATIVE CASES:

*Silvers v. Verbata, Inc.,* 2017 WL 12752 (M.D. Fla. Dec 1, 2017) (Copyright Ownership) and *Silvers v.* V*erbata*, *Inc.,* JMS Arbitration Ref. No 1220059662 (June 29, 2021) (awarding over $1 Million in Damages, punitive damages and attorney’s fees and declaring copyright ownership to my client)

*George & Co, LLC v. Spin Master Corp.,* 2018 WL 5268754 (M.D. Fla. Sept. 13, 2018) (Trademark)

*Subic Bay Marine v. JV China,* 257 So.3d 1139 (Fla. 5th DCA 2018) (Jurisdiction) *Holding Co. The Villages v. Little John’s*, 2017 WL 6319549 (M.D. Fla. Dec. 11, 2017) (Trademark dilution)

*Naxos Rights US, Inc. v. Wyatt,* 2016 WL 5724064 (M.D. Fla. Feb. 29, 2016) (Copyright Ownership)

*Sweepstakes Patent Co., LLC v. Burns,* 610 Fed. Appx. 1006 (Fed. Cir. 2015) (Patent)

*High Tech Pet Prods., Inc. v. Shenzhen Jianfeng* 2015 WL 926048 (M.D. Fla. 2015) (Trademark)

*Platypus Wear, Inc. v. Horizonte Ltda.,* 558 Fed. Appx. 929 (11th Cir. 2014) (Trademark *Eyepartner, Inc. v. Kor Media Group, LLC.,*2013 WL 3733434 (S.D. Fla. 2013) (Copyright) *MacKillop v. Parliament Coach Corp., 2009 U.S. District LEXIS 103588 (M.D. Fla. Oct.21 2009) (Warranty)*

*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)*

*Artesian Contractors Assoc. v. Frontier Ins. Co., 275 F.3d 1038 (11th Cir.2001)* (Copyright and Trademark)

*Montgomery v. Noga, 168 F.3d 1282 (11th Cir. 1999) (Copyright)*

*Woodland Trust v. Flowertree Nursery, Inc., 148 F.3d 1368 (Fed. Cir. 1988) (Patent)*

*Pretty Punch Shoppettes, Inc. v. Marge Hauk d/b/a Creative Wonders, 844 F.2d. Cir. 1988) (Patent)*

*Fun Spot of Florida, Inc. v. Magical Midway, 242 F. Supp. 2d 1183 (M.D.) Fla. 2002) (Patent, Trademark)*

*ABP P. Holding LLC v. Convergent Label Technology, Inc., 194 F. Supp. 2d 1257 (M.D. Fla. 2002) (Patent)*

*NIDA Corporation v. Ken Nida, 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 (Sept. 5, 2009)

Willfulness: A year After Seagate (published for AIPLA Annual Meeting, Oct. 2008) Overview of Patents, “The International Forum, 2008 Annual Meeting (Jan. 14, 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)

# RECOGNITION:

Guardian ad Litem Award of Excellence, 2011-2016,

The Award is presented to an attorney who has demonstrated an outstanding commitment to pro bono case work for Orange County Bar Legal Aid Society Clients over several years. Mr. Milbrath has been a pro bono panel member since 1992 and has primarily taken Guardian ad Litem (legal guardian) cases. He has assisted 30 children and provided over 300 hours on closed cases in the last 10 years.

Florida Super Lawyers Best Lawyers of America Florida Trend Legal Elite

Orlando Magazine Best Lawyers: 2010-2020

AV Preeminent® Top Rated Lawyer, by Martindale-Hubbell Managing Intellectual Property magazine: IP Star, 2014