

STEPHEN D. MILBRATH

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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 appeals in federal and state court. 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 served 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 CommercialPaper and Remedies.

PRACTICE AREAS:

[Intellectual Property Litigation, Complex Business, Appeals](#)

[Admitted: United States Supreme Court, United States Courts of Appeal for the Federal, Fifth and Eleventh Circuits; United States District Courts for the Northern, Middle and Southern Districts of Florida.](#)

EDUCATION:

1976: J.D., Oklahoma City University

1973: M.S. P.A., Florida State

University1972: 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

Orange County, Lake County and Seminole County Bar Associations.

RECENT PROFESSIONAL HISTORY:

Accel IP Law, PLLC Orlando and Cocoa Fl: December 2020 to Present: Partner: handling business litigation and trademark and copyright litigation. Websites: www.acceliplaw.com; www.theiplitigator.com. Orlando office: 121 S. Orange Ave, North Plaza Tower, Suite 1521, Orlando, Fl. 32801

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

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. Verbata, 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)

Nuvasive, Inc. v. Absolute Medical, LLC, 71 F.4th 861 (11th Cir. 2023) (FAA)

Platypus Wear, Inc. v. Horizonte, Ltda., 2014 U.S. App. LEXIS 4422 (11th Cir. 2014)(trademark and copyright verdicts); *Platypus Wear, Inc. v. Horizonte LTDA*, 693 Fed. Appx. 843 (11th Cir. 2017) (district court discretion to decline declaratory relief post-verdict after zero-dollar verdict for my client)

Princess Pedicure Spas, Inc. v. Chisel Nail Art, LLC, 2023 U.S. Dist. LEXIS

176976 (M.D. Fla Aug. 31, 2023) (trademark license and UCC)
Advanced Magnet Lab v. Meinike, 2020 U.S. Dist. LEXIS 254314 (M.D. Fla. 2020)(copyright and patent license)
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) (CopyrightOwnership)
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 andTrademark)
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 BarBusiness 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;
Copyright and Software Litigation/Related Computer Issues, "Intellectual Property
LawCertification 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 America

Orlando Magazine Best Lawyers: 2010-2023

AV Preeminent® Top Rated Lawyer, by Martindale-

HubbellManaging Intellectual Property magazine: IP

Star, 2014