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Mark H. Anania

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Practice

Intellectual Property

Litigation

Mark serves as Co-Chair of the firm's Intellectual Property Practice and has a national IP practice helping clients to value and defend their IP and other technology assets. As a seasoned litigator, he has represented a range of clients across various industries including medical devices, athletic goods, LED lighting, food service, consumer products and pharmaceuticals. Mark's litigation experience spans federal district courts across the country, the federal circuit and the International Trade Commission.

Recognized in the *WTR 1000* and *IAM Patent 1000*, Mark also provides strategic advice on intellectual property portfolio management, counseling and licensing. His guidance ranges from obtaining IP rights through the USPTO and Copyright Office to implementing proactive measures that prevent infringement and maximize the value of his client's intellectual property.

Among a range of representations, his recent successes include:

- Obtained a permanent injunction, upheld on appeal to the Third Circuit, and \$6.5 million in wrongful profits in a trademark case on behalf of a national home appliance and consumer electronics brand in the District of Delaware
- Awarded summary judgment of invalidity on over 45 patent claims asserted against a New Jersey medical device manufacturer by its chief rival in the Southern District of California
- Secured two preliminary injunctions for a secured creditor to prohibit the dissipation of patent rights involving FinTech in the Western District of Washington and the Northern District of Illinois
- Won a jury trial on willful patent infringement, validity and copyright infringement on behalf of an international medical device manufacturer in the Southern District of New York, which was upheld in relevant part on appeal to the Federal Circuit

- Excluded all potential damages in a trademark infringement suit on behalf of a restaurant and food services provider in the District of Connecticut
- Affirmed on appeal to the Federal Circuit a prior grant of summary judgment in favor of an international pharmaceutical company, in a precedent setting case receiving national attention, that the USPTO was miscalculating patent term adjustment awards on dozens of patents

As a thought leader in his professional communities, Mark is a past President of the New Jersey IP Law Association and frequently writes and speaks on IP issues. He also holds several positions in the golf industry, including serving in advisory roles on the Executive Committee and Board of Trustees of the New Jersey State Golf Association.

While in law school, Mark was Research Editor for the Rutgers Law Review and a judicial intern for the Hon. Madeline Cox Arleo, then-U.S.M.J. in the District of New Jersey. Wade served as law clerk to the Hon. Nitza I. Quinones Alejandro and as a judicial intern to the Hon. Sandra Mazer Moss, both in the Court of Common Pleas of Philadelphia County. While in law school, he served on the *Temple University Political and Civil Rights Law Review*.

Experience

Trademark Litigation

- **International Home Goods Distributor** – defendant in a trade dress infringement and patent infringement case in the District of New Jersey
- **Fractional Laser Medical Device Company** – defendant in a trademark infringement case in the District of New Jersey
- **Car Polish Company** – defendant in a trademark infringement suit resulting in successful transfer from the District of New Jersey on defendant's motion
- **National Home Appliance and Electronics Company** – plaintiff in a trademark infringement case in the District of Delaware resulting in a permanent injunction and award of wrongful profits
- **Garden Hose Company** – plaintiff in a trademark infringement case resulting in successful transfer from the District of New Jersey
- **E-Cigarette and Vaping Company** – plaintiff in a trademark counterfeiting and infringement case resulting in a preliminary injunction in the District of New Jersey
- **Fast Fashion and Project Runway Contestant** – plaintiff and fashion designer in a trademark infringement case relating to fast fashion design in the Southern District of New York
- **Ice Cream and Dairy Company** – plaintiff in a trademark infringement case resulting in favorable resolution in the District of New Jersey
- **International Running Shoe Company** – plaintiff in a trademark infringement case relating to stripe designs for athletic footwear in the Central District of California
- **Pool Products Supply Company** – plaintiff in a cybersquatting and trademark infringement case against a competitor for replacement pool part products resulting in a preliminary injunction in the District of New Jersey
- **Pizzeria Company** – defendant in trademark case relating to restaurant goods and services and obtained partial summary judgment leading to dismissal in the District of Connecticut

- **Domain Name UDRP Proceedings** – represented several complainants in cybersquatted domain name UDRP proceedings before the World Intellectual Property Organization, including on appeal to federal district court

Patent Litigation

- **Data Analytics Company** – defendant in multiple patent infringement cases in the District of Delaware
- **LED Distributor** – defendant in a patent suit relating to UV LED chip technology in the District of Minnesota
- **Cellphone Harness Startup Company** – defendant in a patent suit relating to cell phone harnesses resulting in successful venue transfer from the District of New Jersey
- **International LED Lighting Company** – defendant in a case involving nine asserted utility and design patents related to outdoor LED lighting fixtures in the Southern District of New York
- **National Home Goods Company** – defendant in a patent suit relating to LED chip and packaging technology in the Central District of California
- **International LED Chip Supplier** – a leading Chinese LED chip supplier in an IPR related to dielectric layers in LED chip design resulting in favorable resolution before the Patent Trial and Appeal Board
- **National Medical Device Manufacturer** – plaintiff in patent infringement suit involving methods of treating varicose veins using fiber optic technology in the District of Minnesota
- **International Running Shoe Company** – declaratory judgment plaintiff against allegations of infringement of over 1,500 claims from a dozen patents relating to athletic footwear sole technology in the Middle District of North Carolina
- **NJ Medical Device Company** – represented in several patent infringement suits in the District of New Jersey, Southern District of Florida, Southern District of California and before the Federal Circuit relating to antiseptic caps for luer access valves resulting in summary judgment of invalidity of several asserted claims
- **Leading Flash Memory Supplier** – respondent against patent infringement allegations on flash memory technology before the International Trade Commission
- **Leading Graphics Card Supplier** – defendant against patent infringement allegations involving the design of heat sinks in computer graphics cards resulting in final judgment of non-infringement in the Eastern District of Texas following favorable Markman ruling affirmed on appeal to the Federal Circuit
- **Nutritional Supplements Company** – plaintiff in multi-defendant patent infringement suit involving the composition of nutritional supplements in the Central District of California
- **Global Cosmetics Company** – defendant against false patent marking allegations resulting in dismissal of all claims in the Northern District of Illinois
- **Israeli Medical Device Company** – plaintiff at jury trial in the Southern District of New York and on appeal to the Federal Circuit on patent infringement, copyright infringement, unfair competition and unjust enrichment claims relating to conductive thermometer technology
- **International Pharmaceutical Company** – plaintiff in patent term adjustment suit against the USPTO in the District of Columbia and Federal Circuit involving arguments of first impression for patent

holders seeking patent term adjustment and obtaining summary judgment affirmed on appeal resulting in additional term on dozens of pharmaceutical patents

- **Plumbing Supply Company** – plaintiff in patent infringement suit involving plumbing valve assemblies in the District of New Jersey
- **Local Counsel in DNJ Patent Litigation** – served as local counsel in more than 50 patent litigation suits arising under the Hatch-Waxman Act in the District of New Jersey

Trade Secret Litigation

- **Medical Device Employee** – defendant and former employee in trade secret litigation case involving bone grafting technology in the District of New Jersey
- **National Defense Contractor** – defendant in defense of trade secret misappropriation allegations relating to a U.S. Navy program in the District of New Jersey
- **International LED Lighting Company** – defendant in a case involving trade secrets related to outdoor LED lighting fixture technology in the Southern District of New York

Other Litigation

- **Car Wash Chain** – defendant in a copyright infringement case in the Western District of Kentucky
- **Sand Mining Company** – defendant in a breach of contract action relating to a sand mine in New Jersey defeating order to show cause
- **Biodiesel Supply Company** – defendant in a breach of contract action relating to biodiesel fuel technology and obtaining dismissal on defendant's motion in the Southern District of Iowa
- **Startup Home Products Company** – defendant in a tortious interference and commercial disparagement case relating to home security devices in the District of New Jersey
- **International Holding Company** – represented plaintiff and obtained two preliminary injunctions in the Northern District of Illinois and the Western District of Washington to enjoin disclosure of proprietary secure electronic payment technology resulting in favorable settlement
- **Loss Prevention Software Company** – plaintiff in a jury trial for breach of contract relating to loss prevention software and violation of the Computer Fraud and Abuse Act in the Southern District of New York
- **Graphics Cards Supplier** – plaintiff in an indemnity suit involving patent infringement allegations in the District of New Jersey
- **California Lighting Company** – respondent in a false advertising proceeding involving ENERGY STAR products before the International Trade Commission

Affiliations

- American Intellectual Property Law Association
- New Jersey Intellectual Property Law Association, Board of Managers; President, 2021; President Elect, 2020; Vice President, 2019; Treasurer, 2018; Secretary, 2017
- New Jersey State Bar Association
 - Intellectual Property Law Committee

- New Jersey State Golf Association
 - Executive Committee and Board of Trustees, Past Officer
 - Finance Committee, Chair
 - Partnerships Committee
 - Legal Committee
 - Communications Committee
- Christian Brothers Academy Alumni Association

Recognition

- Listed in the *World Trademark Review 1000* as a leading trademark practitioner in New Jersey
- Listed in *IAM Patent 1000* as a leading patent law practitioner in New Jersey
- Recognized by *Super Lawyers* as a “Super Lawyer,” Intellectual Property Litigation, New York Metro area, 2023; “Rising Star,” 2014-2021

Education

- Rutgers University School of Law – Newark, J.D.
- Colgate University, B.A., *magna cum laude* and with honors

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Texas