



Lesley McCall Grossberg

Partner

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Lesley McCall Grossberg leads Ice Miller's Intellectual Property practice group and is an experienced intellectual property litigator, representing clients in patent, copyright, trademark, trade secret, and unfair competition matters in federal district and appellate courts, as well as in proceedings before the Trademark Trial and Appeal Board (TTAB) and Section 337 investigations before the International Trade Commission (ITC). Lesley works with clients to maximize the value of their intellectual property, with a focus on brand strategy, and has experience in trademark clearance, prosecution, global portfolio management and enforcement, and IP licensing and due diligence.

Prior to entering private practice, Lesley clerked in the United States District Courts for the Eastern District of Virginia and the District of New Jersey. Lesley is a senior editor of the International Trademark Association's peer-reviewed journal, *The Trademark Reporter*, and is an adjunct professor of trademarks and unfair competition at Temple University Beasley School of Law in Philadelphia. She is a past president of the Philadelphia Intellectual Property Law Association and a frequent speaker on intellectual property-related topics.

Education

- Tulane University (B.A., *cum laude*, 2004)
 - Political Science and History
- University of Richmond (J.D., *magna cum laude*, 2008)

Admissions

- New Jersey
- United States District Court - District of New Jersey
- Pennsylvania
- United States District Court - Eastern District of Pennsylvania
- United States District Court - Eastern District of Texas
- United States District Court - Eastern District of Wisconsin
- Supreme Court of the United States

Services & Industries

- Copyright
- Intellectual Property
- Internet, Technology & Social Media
- IP Litigation
- Litigation
- Media Law
- Patents
- Software Development & Licensing
- Trademark

- United States Court of Appeals - Third Circuit
- United States Court of Appeals - Fourth Circuit
- United States Court of Appeals - Federal Circuit

Professional Affiliations

- Philadelphia Intellectual Property Law Association, Past President (2022-2023); President (2021-2022); President-Elect (2020-2021)
- International Trademark Association Trademark Reporter Committee
- Senior Editor, *The Trademark Reporter* (2020-2026), Staff Editor (2016-2020)
- Subcommittee Chair, American Bar Association IP Litigation Committee, 2013-2018
- ChIPs
- Copyright Society

Awards & Honors

- *World Trademark Review (WTR)* 1000, 2023-2026
- Managing Intellectual Property's IP Stars, 2025
- *The Best Lawyers in America*®, Litigation – Intellectual Property, 2025-2026
- World Intellectual Property Review (WIPR) Insights – USA Trademarks Rankings: Recommended – Contentious, 2024
- *IFLR* Rising Stars Americas Short List, 2020
- The Legal 500 USA Tier 3 Ranking in Trademarks: Non-Contentious (Including Prosecution, Portfolio Management and Licensing), 2022
- *IFLR* Expert Guide: Rising Stars. 2022
- *The Legal Intelligencer*: Lawyer on the Fast Track, 2015

Community Involvement

- Adjunct Professor of Law, Temple University, Trademarks and Unfair Competition
- Guest Lecturer, Art Institute of Philadelphia

Key Matters

Reported and Representative Cases

- Oversaw worldwide trademark enforcement program for publicly traded industrial products company.
- Represented pharmaceutical company in patent infringement case before the U.S. International Trade Commission. ITC found no violation of Section 337, resolving all issues in client's favor.
- Represented a construction machinery and equipment company in a complex products liability suit involving electric power generators.
- Represented a defendant/counterclaim plaintiff in an eight-patent litigation related to heavy construction and earth-moving vehicles.
- Obtained a summary judgment of invalidity of an opposing party's asserted trademark in a pastry configuration on behalf of a large premium bakery, with the court finding that the asserted trade dress was functional and the Third Circuit affirming.

- Represented a nationwide restaurant chain in TTAB proceedings and trademark enforcement matters. Successfully opposed registration of a confusingly similar mark, with the TTAB holding that the client's marks are famous and entitled to a broad scope of protection.
- Represented an individual subjected to involuntary psychiatric commitment in a civil rights action against Delaware County challenging procedural due process in commitment procedures, resulting in a change in policy to provide additional safeguards. Orally argued an appeal from grant of summary judgment to the Third Circuit.
- Defended a large technology company in a patent case in the District of New Jersey involving contact- voltage detection along streets. District court litigation was stayed following successful institution of inter partes review at the U.S. Patent and Trademark Office. A Patent Trials and Appeals Board decision invalidating the patents at issue was affirmed by the Federal Circuit.
- Investigated phishing schemes, issued takedown notices to ISPs, and successfully transferred infringing domain names to clients via Uniform Domain Dispute Resolution Policy proceedings.

Representative Transactions

- Provides trademark and patent advice to publicly traded financial services company, including trademark clearance searches and prosecution, as well as patentability and freedom-to-operate analyses.
- Conducts due diligence analyses of intellectual property portfolios.

Selected Experience

- Law clerk to the Honorable Mary L. Cooper, U.S. District Court for the District of New Jersey, 2009 - 2012
- Law clerk to the Honorable M. Hannah Lauck, U.S. District Court for the Eastern District of Virginia, 2008 - 2009

Success Stories

Ice Miller Secures Federal Circuit Win Affirming Patent Invalidity in Food Processing Technology Case

Ice Miller secured a significant appellate victory for its clients, Elea Vertriebs- und Vermarktungsgesellschaft mbH and Food Physics LLC, when the United States Court of Appeals for the Federal Circuit affirmed the invalidity of asserted patent claims in *J.R. Simplot Co. v. McCain Foods USA, Inc.*, Fed. Cir. No. 24 1845, on appeal from the District of Idaho (No. 1:16 cv 449).

The dispute involved allegations of infringement of a patent directed to pre cooking treatment processes for vegetables. The District Court had granted summary judgment of invalidity on multiple grounds. On appeal, the Federal Circuit affirmed the judgment on the specific invalidity theory advanced by Ice Miller—without needing to reach the alternative bases—delivering a clear and decisive win for Elea and Food Physics.

In its *per curiam* decision, the Federal Circuit held that the asserted claims did not meet the statutory requirements for patent validity. By adopting the core argument presented on appeal, the ruling represents a clean and principled confirmation of the District Court's decision.

This ruling provides meaningful guidance for innovators in the food processing sector. Patent rights must comply with statutory standards, and overly broad or insufficiently supported claims should not be used to obstruct technological advancement. This decision reinforces those standards and protects companies like Elea and Food Physics, which continue to invest in safe, efficient food processing technologies.

Ice Miller proudly represented the third-party defendant appellees in the appeal. Partner [Lesley Grossberg](#) argued the case, supported by a cross office team including partners [Earl LeVere](#) and [Ken Sheehan](#) and senior counsel [Jenny Buchheit](#).

Ice Miller Assists Milestone Partners in its Acquisition of FORTH

Ice Miller represented Milestone Partners, a Philadelphia-based private equity firm specializing in technology-enabled services, in its [majority equity investment in Set Forth, LLC](#) (FORTH). FORTH is a leading provider of technology and payment processing solutions for the consumer debt settlement industry and specialty finance markets.

Milestone Partners collaborates with niche, high margin businesses with a focus on the financial solutions and technology sectors. This strategic investment will give FORTH and the management team the support needed to continue executing their vision of delivering reliable and innovative technology and payment solutions tailored to the needs of their clients, consumers, and business partners.

The Ice Miller deal team was led by [Brian Korman](#) and [Ben Goodman](#), with additional support provided by the firm's robust bench of attorneys from across our Philadelphia, Chicago, New York, Baltimore, Indianapolis, and Columbus offices.

Ice Miller has been active in the private equity industry for over 40 years, representing both management teams building great companies and the private equity firms and individuals that invest in them. We have acted as lead counsel in numerous domestic and international transactions. In the past five years, our attorneys have closed over 1,500 transactions worth in excess of \$60 billion.

[Learn more](#) about how Ice Miller serves private equity clients and gets complex deals done.

Published In

- *The Trademarks Law Review: United States*, 3d and 4th editions, 2019-2021
- *US State Trademark & Unfair Competition Law: Pennsylvania*, INTA, 2020
- "Actavis' Decision Not Limited to Cash Payments, But Questions Still Remain," *New Jersey Law Journal*, August 17, 2015
- "Refusals to Deal Still at Issue in Celgene Case," *New Jersey Law Journal*, May 4, 2015
- "NJ Courts at Forefront Post-Actavis," *New Jersey Law Journal*, January 5, 2015
- "Fox News v. TVEyes: Another Step in the Long March Toward Fair Use Free-for-All?," *The IP Litigator*, November/December 2014
- "The Impending Judicial Crisis: How Politics and Indifference are Destroying Our Federal Courts," *6 Dartmouth L.J.* 32, 2008
- "Georgia v. Randolph: Whose Castle is It, Anyway?," *41 U. Rich. L. Rev.* 589, 2007

Thought Leadership

May/June 2026

***The Trademark Reporter* | Book Review: Research Handbook on the History of Trademark Law**
The Trademark Reporter

June 12, 2026

Use of Artificial Intelligence and Risk to Privileged Information

April 20, 2026

Supreme Court Limits Secondary Copyright Liability in *Cox Communications, Inc. v. Sony Music Entertainment*

December 14, 2023

Future-Proving Your Procedures – Six Steps to Take Now to Be Ready for AI

June 30, 2023

***The Trademark Reporter* | Book Review: Brand Protection and the Global Risk of Product Counterfeits: A Total Business Solution Approach**
The Trademark Reporter

June 26, 2023

Jack Daniel's Properties, Inc. v. VIP Products LLC: The Supreme Court Corrects Course on Rogers Test

May 30, 2023

TTAB Denies Trademark Protection to Cannabis Marks in BAKKED Applications

February 24, 2023

Federal Jury Finds that Sale of "MetaBirkin" NFTs Violated Hermès' Trademark Rights

January 20, 2023

The Trademark Modernization Act of 2020 – Observations from One Year In

Speaking Engagements

- "Trademarks: Year in Review," IP Philly, March 2025
- "Trademarks: Year in Review," IP Philly, March 2024
- "The Trademark Modernization Act of 2020: One Year Later," Pennsylvania Bar Institute's Technology Institute, March 2023
- "Trademark Enforcement and Foreign Infringers," Strafford Webinar, March 2023
- "Trademarks With a Twist: Wine and Trademarks," Philadelphia Intellectual Property Law Association, February 2023
- "USPTO Trademark Practices to Take Effect Dec. 3, 2022: Everything that Brand Owners and Trademark Practitioners Should Know Now," MyLawCLE and Federal Bar Association Webinar, December 2022
- "Bad Faith in Trademark Registrations: Navigating Recent Changes in the US, EU, and China," Strafford Webinar, July 2022
- Moderator, "How Gross is Your Assignment? Actions Speak Louder than Words When Transferring Goodwill," PBI Intellectual Property Institute, April 2022
- "Product Naming Conventions and Trademark Best Practices," June 2021
- "Fraud in Trademark Applications and Registrations: Proving or Defeating Allegations," Strafford Webinar, March 2021
- "Assessing IP Risks: A Conversation Between In-House and Outside Counsel," Association of Corporate Counsel Greater Philadelphia In-House Counsel Conference, July 2020
- "A Spirited Discussion of Trademarks and Whiskey Tasting," Philadelphia Intellectual Property Law Association, February 2020
- "Trademark Damages and Injunctive Relief," Intellectual Property Owners' Association, November 2019
- "Surviving Your First Branding Disaster," American Intellectual Property Law Association Annual Meeting, October 2019
- "Trademark and Copyright Year in Review," Philadelphia Intellectual Property Law Association Year-End Meeting, May 2019; May 2018
- "What's Your IP? A Discussion with In-House Counsel," PBI Intellectual Property Institute, April 2019
- "Intellectual Property Overview," Schiffer Publishing Ltd., September 2018
- "Bad Faith Trademark Filings," PBI Intellectual Property Institute, April 2018
- "How to Get Rid of Infringing, Proprietary, and Just Plain Embarrassing Content on the Internet," PBI Intellectual Property Institute, April 2017 and August 2017

- "Till Death Do We Part? Social Media and Postmortem IP Rights," PBI, February 2017
- "Trademark Trial and Appeal Board Practice," BakerHostetler Trademark Boot Camp, February 2017
- "All Clear? Trademark Searching," PBI Intellectual Property Institute, April 2016
- "Essentials of Copyright Law: DMCA Issues," PBI, November 2015
- "Software Agreement Strategies: Best Practices for Drafting," June 2015
- "Pleading and Proving Genericity and Other Scorched-Earth Trademark Defenses," PBI Intellectual Property Institute, April 2015
- "Fair Use in the Digital Age: Are Standards Changing?" PBI, November 2014
- "Making Sense of Fair Use," PBI Intellectual Property Institute, April 2014