



T. Earl LeVere

Partner

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Earl LeVere focuses his practice on intellectual property and information technology issues related to patents, copyrights, trademarks, life sciences, computers, internet, e-commerce and entertainment.

Earl has appeared in more than seventy-five intellectual property litigation matters in federal district and appellate courts throughout the country; has helped clients establish internal procedures to protect proprietary information; and has drafted I.P. license and assignment agreements, and agreements for the joint development and use of intellectual property.

Earl received his Bachelor of Arts Degrees from Capital University, *summa cum laude*, in 1990, and his juris doctor, with honors, from The Ohio State University Moritz College of Law in 1994. While at The Ohio State University, Earl was staff editor and managing editor of the *Ohio State University Law Journal* and a member of the Moot Court Governing Board and National Moot Court Team.

Education

- Capital University (B.A., 1990)
- The Ohio State University Moritz College of Law (J.D., 1994)

Admissions

- Ohio
- United States District Court - Northern District of Ohio
- United States District Court - Southern District of Ohio
- North Carolina
- United States District Court - Eastern District of North Carolina
- United States District Court - Middle District of North Carolina
- United States District Court - Western District of North Carolina
- Supreme Court of the United States
- United States Court of Appeals - Sixth Circuit

Services & Industries

- Copyright
- Intellectual Property
- Internet, Technology & Social Media
- IP Litigation
- Life Sciences & Biotechnology
- Litigation
- Media Law
- Patents
- Sports & Entertainment
- Trademark

- United States Court of Appeals - Eighth Circuit
- United States Court of Appeals - Ninth Circuit
- United States Court of Appeals - Federal Circuit
- United States District Court - Central District of Illinois
- United States District Court - Northern District of Illinois
- United States District Court - Western District of Texas

Professional Affiliations

- International Trademark Association, Anticounterfeiting Committee
- American Bar Association, Intellectual Property Litigation and Computer and Internet Litigation Committees
- Ohio State Bar Association, Intellectual Property Section
- Columbus Bar Association
- Federal Bar Association
- Association of Trial Lawyers of America
- American Intellectual Property Law Association, Patent Litigation Committee; Anti-Counterfeiting Committee; Quarterly Journal, Editorial Board, 2008-2011

Awards & Honors

- *Best Lawyers®* "Lawyer of the Year" for Trademark Law in Columbus, Ohio, 2019
- *Best Lawyers®* "Lawyer of the Year" for Patent Litigation in Columbus, Ohio, 2017
- *Best Lawyers®* "Lawyer of the Year" for Copyright Law in Columbus, Ohio, 2015
- *The Best Lawyers in America®*: Copyright Law, 2012-2026; Patent Law, 2013-2023; Trademark Law, 2013-2026; Litigation – Intellectual Property, 2008-2026; Litigation – Patent, 2012-2026
- Ohio *Super Lawyers*, 2012-2015, 2017, 2025; Rising Star, 2005-2006
- *World Trademark Review (WTR) 1000*, Ranked in Ohio, 2020-2026
- *Columbus CEO's Top Lawyers List*, Intellectual Property and Patent Law and Litigation – Intellectual Property, 2023-2025
- Forty Under Forty, *Business First*, 2005
- The Million Dollar Advocates Forum
- Martindale-Hubbell AV® Preeminent Rated™
- American Jurisprudence Awards in Trial Practice and Entertainment Law

Community Involvement

- Member, Board of Trustees, Columbus Association for the Performing Arts ("CAPA"), 2018-present
- LifeCare Alliance - member, Board of Directors (1999-present); chair, Public Relations & Marketing Committee; member, Strategic Planning Committee, former president, Associates Board
- Member, Board of Trustees and Incorporator, CD102.5 For The Kids, 2014-present
- Judge, Sports & Fitness Industry Association 2023 Start-Up Challenge
- Student Mentor, Young Entrepreneur's Academy (YEA!), 2016-2018
- Former Co-Chair and Founder, Capital Area Humane Society Young Professionals Group

- Former Member, Columbus Innovation Awards Nomination & Judging Committee
- Rebuilding Together Central Ohio - past member, Board of Trustees; past president, Board of Trustees; former vice president, Board of Trustees; former chair, Logistics Committee
- Former Coach, Ohio Mock Trial Competition, Mifflin High School
- Past Member, Ohio State University, Fisher College of Business Innovation Advisory Board

Key Matters

Reported and Representative Cases

- Represented Publicly Traded Medical Device and Pharmaceutical Company as general intellectual property counsel, including coordinating all patent, trademark, and copyright prosecution and maintenance efforts, technology in and out licensing, and dispute management and resolution.
- Represented Tool Manufacturing Company in an action seeking damages in excess of \$1 million, obtaining a complete dismissal of the opponent's complaint, with prejudice, in the United States District Court for the Northern District of California. The case involved allegations of Walker-Process federal antitrust violations and claims of abuse of process and malicious prosecution arising out of a prior patent infringement action between the parties.
- Represented Oil and Gas Well Equipment Manufacturing Company in patent infringement litigation case in the Eastern District of Texas resulting in a favorable jury verdict for client.
- Represented Manufacturing Company in patent infringement litigation and obtained a summary judgment of "no infringement" on behalf of defendant client in the United States District Court for the District of Delaware where the plaintiff sought substantial compensatory damages, punitive damages, attorneys fees, and a permanent injunction to prevent our client from manufacturing its product.
- Successfully represented International Magazine Publisher with approximately 10 million monthly readers as a plaintiff in a case of Internet copyright infringement; representation included obtaining a temporary restraining order and a preliminary injunction against the defendant as well as a summary judgment that the defendant willfully infringed our client's copyrights.
- Represented Manufacturing Company in patent infringement litigation by obtaining a summary judgment that a California defendant infringed a patent owned by client. After obtaining the summary judgment of infringement, the California defendant paid a considerable settlement fee to the client and dismissed its challenges to the validity of the patents-in-suit.
- Represented Oil and Gas Well Equipment Manufacturing Company in patent infringement litigation by obtaining a favorable decision from the United States Court of Appeals for the Federal Circuit in a patent infringement case which decision nearly doubled the amount of damages obtained by the client at trial; the opinion is frequently cited for multiple legal propositions.
- Defended a leading Motorcycle Aftermarket Parts manufacturer as a defendant in a California patent infringement suit brought by a competitor related to motorcycle handlebars. After binding arbitration, the Arbitrator found that the competitor's infringement claims were "exceptional" and ordered the competitor to pay all of the clients attorneys' fees and costs from the litigation. After opposition by the competitor, the California federal court confirmed the arbitration award, and entered a judgment against the competitor, leading to a recovery by the client of more than \$550,000 in attorneys' fees and costs.
- Represented a Plastic Bag Manufacturer in a trade secret misappropriation case asserted by a competitor in federal court in Houston, Texas. Secured a dismissal of all of the competitor's claims for lack of personal jurisdiction.
- Obtained summary judgment on behalf of an Automotive Dealership and an Online Automotive Auction Provider client in a software copyright infringement suit, as well as an order requiring the other side to pay nearly \$600,000 of the client's attorneys' fees and costs.
- Defended an Online Service for Buying and Selling Automobile Leases against patent infringement claims brought by a competing service. The action resulted in a summary judgment that the client did not infringe the competitor's patent-in-suit and also invalidated the competitor's patent.

- Represented an Online Auction Provider and successfully obtained an order from a New Jersey federal court transferring a lawsuit alleging various commercial and intellectual property claims to federal court in Ohio.
- Successfully asserted against a competitor copyright infringement claims on behalf of a Designer and Manufacturer of Golf Scorecards. The case resulted in the competitor redesigning its competing products and the cessation of its accused products.
- Obtained a summary judgment of nearly \$2 million on behalf of an International Garment Manufacturer against a leading international clothing retailer.
- Represented a boutique retailer as a plaintiff in a trademark infringement suit in federal court. Obtained a temporary restraining order enjoining a competitor from using a confusingly similar logo, which resulted in a favorable settlement shortly thereafter.
- Represented a University Professor and Author as a plaintiff in a copyright infringement suit against a professor at another university. The dispute resulted in a judgment that the defendant professor willfully infringed the client's copyright and that such infringement was the type of conduct that would not be dischargeable in bankruptcy. The judgment further assigning the defendant professor's copyright registration to the client, and order the defendant to reimburse the client's attorneys' fees and costs.

Additional Experience:

- *Morgan-Rinehart v. Van De Perre*, 2017 WL 1383933 (W.D.Tex. April 12, 2017)

Selected Experience

- Represent numerous individuals and corporations in drafting key provisions in employment and independent contractor agreements to preserve the confidentiality of the client's trade secret information, to prevent competition with client's interests, to vest with the client all ownership of intellectual property created during the term of employment, and to establish proper uses of the client's intellectual property.

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](#).

Published In

- “Where You End Depends on Where You Begin: A Litigator’s View of Term and Termination Provisions in Trademark License Agreements--Part II,” *The Licensing Journal*, May 2012
- “Where You End Depends on Where You Begin: A Litigator’s View of Term and Termination Provisions in Trademark License Agreements,” *The Licensing Journal*, April 2012
- Co-Author, “New Generic Top-Level Domains Will Bring New Threats to Trademark Owners,” *The Federal Lawyer*, October 2011
- “Leader technologies forging on with patent suit against Facebook,” *Business First*, August 19, 2011
- “Targeted medical marketing - A lamp in the darkness or a hospital gown you can't close?,” *Life Sciences*, A Publication of the American Health Lawyers Association, April 15, 2011
- “Libel on the Internet is a growing problem, but one that can be legally addressed,” *Columbus Daily Reporter*, February 23, 2010

Thought Leadership

June 21, 2023

Supreme Court Transforms Transformative Copyright Use: *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*, 598 U.S. _ (2023)

May 1, 2020

UPDATE: The USPTO Revises Its CARES Act Extension of Patent and Trademark Related Timing Deadlines

April 24, 2020

Are You Covered Under the USPTO CARES Act Wavier For Patent and Trademark Related Timing Deadlines?

Speaking Engagements

- "From Protectable Software Patents, to Disparaging Trademarks, to Monkey Selfies - Recent Developments in IP for General Counsel and the IP Practitioner," Ice Miller End of Year CLE, Nov. 29, 2017
- "High Octane - Courts Still on the Gas with Exceptional Cases," Indiana Continuing Legal Education Forum (ICLEF) Midwest IP Symposium, Nov. 16, 2017
- "Ask A Lawyer," Easyriders V-Twin Expo, Cincinnati, Ohio, Jan. 28, 2017
- “Bound By Your Brand,” Ohio Hotel and Lodging Association’s Ohio Conference On Travel, Columbus, Ohio, Oct. 27, 2016
- “Protect Your Products and Product Designs,” American International Motorcycle Expo (AIMExpo), Orlando, Florida, Oct. 13, 2016
- “Intellectual Property & Your Bottom Line,” The Ohio State University, Fisher College of Business, Executive Innovation Practice Program, May 4, 2016
- “Patents, Trademarks & Your Bottom Line,” Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 7, 2016
- “Legal Issues Surrounding Websites and Social Media,” Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 8-9, 2014
- “Enforcing Design Patents,” Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 3, 2013

- Panelist, "To Free Or Not To Free: Should Artists Be Giving Away Their Music? Moses Avalon NAMM 2013 Music Business Workshops," The NAMM Show, Anaheim, California, Jan. 25, 2013
- "Litigating Design Patent Disputes," Midwest Intellectual Property Symposium, Indianapolis, Indiana, Nov. 16, 2012
- "Patent Reform and How It Affects Your Powersports Business," Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 4, 2012
- "Termination of Contract Provisions and Remedies," American Intellectual Property Law Association's Annual Meeting, Washington, D.C., Oct. 20, 2011
- "Commercializing Powersports Products," Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 6, 2011
- "Patent Enforcement Strategies: Preventing Trouble Before It Begins," Floating Island International's Clean Water Symposium, Bozeman, Montana, Oct. 29, 2010
- "Identifying and Protecting Intellectual Property," OSU Discovery, Innovation & Commercialization Workshop Series, Commercialization and Incubation of Intellectual Property, OSU Medical Center and Fisher College of Business, Columbus, Ohio, July 30, 2010
- "To Patent or Not to Patent: Product Development In A Changing Economy," Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 7, 2010
- "Counterfeits and Knock-Offs: Tools and Options for Protection," Easyriders V-Twin Expo, Cincinnati, Ohio, Feb. 8, 2009
- "Intellectual Property Issues in Entertainment Law," The Ohio State Bar Association, Columbus, Ohio, June 25, 2008
- "Intellectual Property Issues in Entertainment Law," The Ohio State Bar Association, Columbus, Ohio, Aug. 23, 2006
- "I.P. Due Diligence in Corporate Transactions," Nationwide Mutual Insurance Company, Columbus, Ohio, 2004
- "Intellectual Rights Protection on the Web," Central Ohio Macromedia User Group, Columbus, Ohio, June 17, 2002
- "Intellectual Property Head Start," OhioHealth Research & Innovation Institute, Columbus, Ohio
- "Libraries and Copyright," Association of Christian Schools International, Columbus, Ohio