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PRACTICE AREAS

- Copyrights
- Entrepreneurial Services
- Intellectual Property
- Intellectual Property Litigation
- Inter Partes Review
- Licensing, Technology Transfer & Commercialization
- Litigation
- Patents
- Trade Secrets
- Trademarks

INDUSTRIES

- Agribusiness & Food
- Disruptive Technology
- Internet Content Issues
- Media & Entertainment
- Technology

Eric D. Sidler

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Eric Sidler focuses his practice on intellectual property litigation and counseling. He is a trusted advisor and advocate who represents clients in a wide range of industries—including consumer products, manufacturing, financial services, agribusiness, and entertainment—in complex patent, trademark, copyright, trade secret, false advertising, and domain-name disputes in courts and administrative tribunals throughout the United States. Eric's experience includes representing clients in opposition and cancellation proceedings before the Trademark Trial and Appeal Board (TTAB) and in *inter partes* review (IPR) proceedings before the Patent Trial and Appeal Board (PTAB). Eric also advises clients on brand management issues—including trademark and domain-name registration, maintenance, enforcement, and licensing strategies—as well as copyright registration, enforcement, and licensing issues.

In addition to his IP litigation and counseling experience, Eric has significant experience representing clients in various other types of complex civil disputes—including insurance coverage, employment, shareholder, contract, and business tort disputes. Eric previously represented major insurance companies in third-party liability insurance coverage disputes in federal and state courts throughout the United States. He also served as a law clerk to Judge Lynn J. Bush of the U.S. Court of Federal Claims; in this role, he gained valuable insight into the judicial process and knowledge of the subject matter within the Court of Federal Claims' exclusive jurisdiction, including patent and copyright claims against the United States.

Representative Experience

COURT MEMBERSHIPS

- Missouri
- District of Columbia
- Minnesota
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the District of Kansas
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Minnesota
- U.S. Court of Federal Claims

EDUCATION

The George Washington University Law School, J.D., *with High Honors*

Vanderbilt University, B.A., *magna cum laude*

CLERKSHIP(S)

Law Clerk for the Honorable Lynn J. Bush, U.S. Court of Federal Claims

Patent Litigation

- *Edgewell Personal Care Brands, LLC et al. v. Munchkin, Inc.* (C.D. Cal., D. Conn., ITC, and PTAB): Representing Munchkin in defense of utility patent infringement claims relating to diaper disposal systems in C.D. Cal., transferred from D. Conn. Represented Munchkin in related ITC investigation and in IPR before PTAB.
- *Munchkin, Inc. v. TOMY International, Inc.* (N.D. Ill.): Representing Munchkin in prosecution of utility and design patent infringement claims relating to infant and toddler drinkware.
- *Continental Intermodal Group - Trucking LLC v. Sand Revolution LLC et al.* (W.D. Tex. and PTAB): Represented CIG in successful prosecution of utility patent infringement claims relating to modular proppant handling system used for hydraulic fracture drilling, and in defense of related IPR before the PTAB.
- *Zebra Technologies Corp. et al. v. Typenex Medical LLC and Ward-Kraft, Inc.* (N.D. Ill. and E.D. Mo.): Represented Typenex and Ward-Kraft in defense of utility patent infringement claims relating to patient identification wristbands, and related claims for trademark and trade dress infringement, false advertising, and unfair competition.
- *Munchkin, Inc. v. Luv N' Care, Ltd., et al.* (C.D. Cal.): Represented Munchkin in prosecution of utility patent infringement claim relating to spillproof drinking containers.
- *The Tire Hanger Corporation v. Shinn Fu Company of America, Inc., et al.* (C.D. Cal.): Represented Shinn Fu in defense of utility patent infringement claims relating to apparatus for supporting automotive tires.
- *United States Gypsum Company v. Asia Tech Source Co., Ltd., et al.* (D. Kan.): Represented Asia Tech Source in successful defense of design patent infringement claims relating to contoured handles for wallboard taping knives.
- *The Ergo Baby Carrier, Inc. v. Boba, Inc.* (C.D. Cal.): Represented The Ergo Baby Carrier in prosecution of utility patent infringement claims relating to baby carriers.
- *Allen v. Munchkin, Inc.* (E.D. Wis.): Represented Munchkin in successful defense of patent infringement claim. Drafted successful motion to dismiss for lack of subject-matter jurisdiction, resulting in complete dismissal in favor of client.
- *Mantis Communications, LLC v. Jo-Ann Stores, LLC, et al.* (E.D. Tex.): Represented Jo-Ann Stores in defense of utility patent

infringement claims relating to mobile data communication systems.

- *Regalo International, LLC v. Munchkin, Inc.* (D. Del.): Represented Munchkin in defense of utility patent infringement claims relating to bed rails.
- *Skip Hop, Inc. v. Munchkin, Inc., et al.* (C.D. Cal.): Represented Munchkin in successful defense of utility patent infringement claim relating to bath spout covers, and in prosecution of related IPR before the PTAB.
- *MGPI Processing, Inc. v. Penford Corp. et al.* (D. Kan.): Represented MGPI in successful prosecution of utility patent infringement claims relating to phosphorylated resistant starches, and related claims for trade secret misappropriation and unfair competition. Drafted opposition to motion for summary judgment leading to negotiation of favorable settlement.

Trademark, Copyright, Trade Secret, False Advertising, and Domain-Name Litigation

- *WMTI Productions, Inc., et al. v. Propagate Content, LLC, et al.* (C. D. Cal.): Representing Propagate in defense of copyright infringement claims relating to hidden camera prank television shows.
- Representing leading shipping and transportation company, Prime Inc., in numerous cancellation and opposition proceedings before the TTAB.
- *New Prime, Inc., d/b/a Prime Inc. v. Amazon Logistics, Inc., et al.* (W.D. Mo. and TTAB): Represented Prime Inc. in prosecution of claims for trademark infringement, trademark dilution, and unfair competition against Amazon, and for cancellation of Amazon's trademark registration.
- *Billy Goat IP LLC v. The Billy Goat Chip Company LLC* (N.D. Ill.): Represented The Billy Goat Chip Company in successful defense of trademark infringement claims.
- *Munchkin, Inc. v. Little Munchkin Boutique et al.* (C.D. Cal.): Represented Munchkin in successful prosecution of trademark infringement and unfair competition claims. Negotiated early and favorable settlement.
- *SnugglyCat, Inc. v. Opfer Communications, Inc., et al.* (W.D. Mo.): Represented direct-response marketing company, Opfer Communications, in successful defense of trademark infringement

and false advertising claims, leading to complete dismissal in favor of client.

- *Service Team of Professionals, Inc., et al. v. Brahler's Cleaning & Restoration, Inc., et al.* (W.D. Mo.): Represented leading provider of residential and commercial cleaning, restoration, and environmental services, Service Team of Professionals, in successful prosecution of trademark infringement and cybersquatting claims.
- *Fast Enterprises, LLC v. Stephanie Pollack* (D. Mass): Represented software company, Fast Enterprises, in prosecution of claims under Defend Trade Secrets Act to prevent threatened disclosure of proprietary information by state agency pursuant to open records law. Obtained preliminary injunction preventing disclosure.
- *Compass Minerals America, Inc. v. Gaia Enterprises, Inc.* (D. Kan. and TTAB): Represented Compass Minerals in defense of trademark infringement claims, in prosecution of claim for cancellation of Gaia's trademark registration, and in defense of related TTAB cancellation proceeding.
- *Dutch Valley Growers, Inc., et al. v. Dutch Valley Partners, LLC, et al.* (C.D. Ill.): Represented agribusiness client, Dutch Valley Partners, in successful defense of trademark infringement, dilution, and trade secret misappropriation claims, among other related claims, leading to favorable settlement.
- *American Poolplayers Association, Inc. v. GoDaddy.com, LLC, et al.* (E.D. Mo.): Represented American Poolplayers Association in successful prosecution of trade secret misappropriation, trademark infringement, and cybersquatting claims. Drafted motion for preliminary injunction resulting in entry of early consent judgment in favor of client.
- *Philpot v. BigTime Productions, LLC, et al.* (S.D. Ind. and W.D. Mo.): Represented music industry client, BigTime Productions, in successful defense of copyright infringement claims. Negotiated favorable settlement at mediation.
- *Cepia, LLC v. Moose Enterprise Pty, Ltd.* (E.D. Mo.): Represented toy manufacturer, Cepia, in successful prosecution of copyright, trade dress, and false advertising claims relating to competitor's toys and television advertisements. Drafted opposition to motion to dismiss leading to negotiation of early and favorable settlement.
- Represented leading mortgage lender in successful prosecution of numerous trademark, trade dress, and copyright infringement actions resulting in early and favorable settlements.

- *Sprague v. Alliant Techsystems Inc. et al.* (D. Mont.): Represented Alliant Techsystems in successful defense of copyright infringement claim. Drafted successful motion for summary judgment resulting in complete dismissal in favor of client.

IP Counseling

- Counseling leading shipping and transportation company regarding design and execution of trademark registration, maintenance, and enforcement program.
- Counseling waterproofing, foundation repair, and environmental remediation company regarding design and execution of trademark registration and maintenance program and regarding patent portfolio.
- Counseled leading mortgage lender regarding design and execution of U.S. trademark registration, maintenance, and enforcement program.

Significant Non-IP Litigation

- *Kelly v. Cameron's Coffee and Distribution Company* (Mo. Cir. Ct.): Represented Cameron's Coffee in successful defense of putative class action under Missouri Merchandising Practices Act.
- Represented major third-party liability insurers in numerous coverage actions in federal and state courts and administrative tribunals.
- Represented manufacturer of laser vision correction systems in shareholder dispute. Drafted opposition to demand for indemnification of attorney's fees and costs, persuading the court to adopt the client's position on a novel, "bet-the-company" legal issue, ultimately leading to favorable resolution for client.
- Represented hedge fund manager in employment dispute with former employer. Achieved multimillion-dollar award on behalf of client through arbitration.

Events

- State of Litigation Virtual Event Series
Session 1 - Thursday, July 16; Session 2 - Thursday, July 23;
Session 3 - Thursday, July 30
- State of Intellectual Property
June 3, 2020

Presentations

- Co-presenter, "Internet Pirates: Navigating the Murky Waters of Online Copyright," Pro Communicators Conference, May 20, 2022
- Co-presenter, "IP Litigation Case Update," Lathrop GPM State of Litigation Virtual Event Series, July 30, 2020
- Presenter, "State of Intellectual Property," Lathrop GPM Webinar, June 3, 2020

Publications

- Author, "The Power of Diversity," KC Counselor Magazine, September 2021

Client Alerts And Blog Posts

- Supreme Court Weakens Fair-Use Defense for Copyright Infringement Claims
June 12, 2023
- Can You Copyright AI-Generated Content?
March 23, 2023
- Supreme Court Strikes Down Ban on "Immoral" or "Scandalous" Trademarks
July 2, 2019
- Supreme Court to Decide Whether Ban on "Immoral" or "Scandalous" Trademarks Is Constitutional
January 14, 2019
- Laches No Longer a Defense to Pre-Suit Damages in Patent Infringement Cases
March 21, 2017

News Releases

- Lathrop GPM and Six Intellectual Property Attorneys Earn World Leading Trademark Honors
February 22, 2024
- Lathrop GPM and Nine Intellectual Property Attorneys Earn World Leading Trademark Honors
February 14, 2023
- Lathrop GPM Attorneys Named 2022 Missouri & Kansas Super Lawyers and Rising Stars
November 14, 2022

- Missouri & Kansas Super Lawyers Recognizes 30 Lathrop GPM Attorneys
November 16, 2021
- Missouri & Kansas Super Lawyers Recognizes 34 Lathrop GPM Attorneys
November 16, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
November 13, 2019
- Lathrop Gage Advances Six Attorneys to Partnership
January 1, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
November 14, 2018
- Super Lawyers Recognizes 57 Attorneys from Lathrop Gage in Missouri and Kansas
November 9, 2017
- Eric Sidler Joins Lathrop Gage's Intellectual Property Practice
September 23, 2015

Professional Affiliations

- American Bar Association
- The District of Columbia Bar
- Federal Bar Association
- Kansas City Metropolitan Bar Association
- Lawyers Association of Kansas City
- Minnesota State Bar Association

Community Involvement

- The Civic Council of Greater Kansas City, Kansas City Tomorrow Leadership Program, Class of 2019-2020

Honors

- *World Trademark Review*, "Leading Trademark Lawyer," 2023-2024
- *Missouri & Kansas Super Lawyers*, "Rising Star," 2017-2022
- Order of the Coif

- *The George Washington International Law Review*, Executive Managing Editor, Volume 43
- George Washington Scholar
- Phi Beta Kappa