



After 14 years serving as lead trial counsel on behalf of a wide range of clients from individuals to Fortune 500 companies in nearly 150 intellectual property cases and technology cases and Chair of the Intellectual Property Litigation team at a 700+ lawyer firm, Sam founded Miller Legal Partners PLLC in 2017 to focus on providing a select group of existing and new clients outstanding service surrounded by a team of exceptional knowledge and skills in solving complex problems in intellectual property, technology, and other litigation. Noted by opposing counsel as a **“tenacious adversary”** and clients and colleagues as an **“exceptional legal strategist,”** Sam develops creative and unique strategies and tactics for each case based the client’s objectives. In fact, he is known for working with clients to define their objectives at the outset of any case rather than a “shoot first, think later” approach.

Sam has received many accolades for his work in intellectual property, including being named an "IP Star" in *Managing Intellectual Property's IP Handbook* (2013 – 2017), being listed in *The Best Lawyers in America*® in Intellectual Property Litigation (2015 – 2018) and Patent Litigation (2018), and being named a Mid-South Rising Star in Intellectual Property in 2008 and Intellectual Property Litigation in six times by *Super Lawyers* magazine. He served as the chair of the Intellectual Property Section of the Tennessee Bar Association from 2009 – 2010, 2011 – 2012 and 2015 – 2016; the vice chair of the Intellectual Property Section of the Tennessee Bar Association and on the governing board of the Tennessee Intellectual Property Law Association. He was an adjunct professor in intellectual property at the Cecil C. Humphreys School of Law at the University of Memphis.

As a Rule 31 Listed Mediator, Sam also has a growing mediation practice serving those who need a mediator with true intellectual property and technology litigation experience or simply need a new voice to facilitate a resolution to a tough situation.

REPRESENTATIVE MATTERS

Trademark/Trade Dress/False Advertising

- Represented publicly-traded pharmaceutical company in false advertising and trademark infringement case valued at hundreds of millions of dollars
- Obtained preliminary injunction on behalf of leading obstacle course challenge company against infringer using confusingly similar trademark.
- Represented publicly-traded pharmaceutical company in false advertising and trademark infringement case valued at hundreds of millions of dollars.
- Obtained summary judgment in favor of nationwide retailer in trademark and cybersquatting action before the United States District Court for the Central District of California in Los Angeles.



- Awarded dismissal of trade dress declaratory judgment lawsuit in United States District Court for the District of Colorado on behalf of medical device company.
- Defeated motion for summary judgment in Trademark Trial and Appeal Board case involving allegations of trademark abandonment.
- Obtained successful resolution of trademark infringement and unfair competition lawsuit involving well-known identity theft prevention companies.
- Procured two cancellations of trademark registrations before the Trademark Trial and Appeal Board on behalf of national supplier of medical products to physician practices.
- Obtained reinstatement of trademark registration that was wrongfully cancelled on behalf of large religious organization.
- Settled two well-publicized trademark and unfair competition lawsuits between a historic Memphis enterprise and a record label based in Nashville.
- Obtained dismissal for well-recognized motorcycle frame designer in trade dress infringement action before the United States District Court for the Central District of California in Los Angeles.
- Prosecutes and manages trademark portfolios of over 200 trademark registrations throughout the world

Copyright

- Obtained motion for judgment on the pleadings that reduced potential statutory damages award against client by nearly \$100 million
- Reached positive settlement for developer accused of copyright infringement based on website design and content
- Represented manufacturer accused of infringement in which plaintiff sought damages in excess of \$150 million
- Represents owner of distinctive design for cupcake liners in claims for infringement
- Obtained reversal of trial court dismissal before the Tennessee Court of Appeals in which the Court held for the first time that venue in an action to collect unpaid writer's royalties is proper where the songwriter resides
- On behalf of high-end appliance manufacturer, obtained settlement in which alleged infringer agreed to remove certain webpage from its website

Patent

- Represented patent owners and defendants in over 75 patent infringement lawsuits in courts throughout the United States involving mechanical, medical, chemical, business method, and software-related technologies



- Obtained successful denial of four petitions for *Inter Partes* Review
- Argued before Federal Circuit regarding appeal of *Inter Partes* Review decisions
- Obtained settlement on behalf of leading pet products company against multinational competitor after International Trade Commission accepted case and prior to determination of motion for temporary exclusion order.
- Obtained settlement in design patent case that enjoined distributor, reseller, and importer from making, using, selling, offering for sale and importing products that are substantially the same as the claimed ornamental designs
- Represented numerous patent owners and defendants in patent infringement lawsuits in courts throughout the United States involving mechanical, chemical, business method, and software-related technologies
- Represented multinational corporation regarding contract dispute over whether sufficient scope of patent protection was obtained in Japan

PROFESSIONAL HONORS & ACTIVITIES

- Listed in *The Best Lawyers in America*® in Intellectual Property Litigation (2015-2018); Patent Litigation (2018)
- Named an "IP Star" in *Managing Intellectual Property's IP Handbook* (2013-2017)
- Listed in *Mid-South Rising Stars*, 2008-2009
- Member – Tennessee Bar Association (Chair, Intellectual Property Section, 2015-2016, 2011 – 2012, and 2009 – 2010; Vice-Chair, Intellectual Property Section, 2008 – 2009)
- Member – Tennessee Intellectual Property Law Association (Board Member, 2007 – 2009)
- Member – Sedona Conference Working Group on Electronic Document Retention and Production (2011 – 2013)

PUBLICATIONS

- "Supreme Court Drastically Changes Where Patent Infringement Cases Can Be Filed," Intellectual Asset Management Weekly Email (May 2017)
- "Attorneys React To Supreme Court Patent Venue Ruling," Law360 (May 2017)
- "Supreme Court Drastically Changes Where Patent Infringement Cases Can Be Filed" (May 2017)
- "U.S. Supreme Court Strengthens Attacks On U.S. Patents Through Inter Partes Reviews," Intellectual Asset Management International Reports (July 2016)
- "Prepare To See More Method Patent Infringement Cases," Law360 (August 2015)
- "The New Broader Standard for Divided Patent Infringement" (August 2015)



- "The Impact of 3D Printing on the Commercialization on Intellectual Property," LawyerMade (September 2014)
- "Rethink Intellectual Property - Your Intellectual Property Is a Source Of Capital and New Business Opportunities," Catalyst Magazine of Nashville Technology Council (January 2013)
- "Intellectual Property Issues for Start-up Companies," Intellectual Property Deskbook for the Business Lawyer, Third Edition (2013)
- "BitTorrent Copyright Infringement Lawsuits Gaining Momentum in Middle Tennessee" (November 2012)
- Featured – "Alternative dispute resolution in intellectual property contract matters," 2nd Generation Capital (July 2012)
- Contributing Author – "Right of Publicity Survey," Practical Law Company (January 2011)
- Peer Reviewer – "IP Issues for Start-Up Companies," Intellectual Property Deskbook for the Business Lawyer, Third Edition (January 2011)
- Contributing author - Right of Publicity Survey for the Practical Law Company
- Co-presenter - "Damages and the Calculation of Damages in Intellectual Property Cases" for the Intellectual Property Section of the Nashville Bar Association (November 30, 2011)
- Co-presenter "Intellectual Property and Political Campaigns" for the Tennessee Intellectual Property Law Association in Nashville, Tennessee (November 11, 2011)
- Presenter – "Are You Sure You Own the Copyrights in Your Code?" Suffolk University Law School podcast (August 2011)
- "Are You Sure You Own the Copyrights in Your Code?" *BakerTech* newsletter (August 10, 2011)
- Presenter – "Intellectual Property in Advertising and Marketing Series," Baker Donelson Seminar (Summer 2011)
- Presenter – "Ethics for IP Lawyers - 2011," Tennessee Bar Association's Intellectual Property Forum (March 4, 2011)
- Presenter – "Intellectual Property in the Digital Age: What is it and how do you protect it?" PodCamp, Nashville, TN (March 6, 2010)
- Presenter – "Intellectual Property Law," TECworks FastTrac Program (October 22, 2009)
- Adjunct professor – Intellectual Property Law, University of Memphis Cecil C. Humphreys School of Law (Fall 2009)
- Guest lecturer – "Introduction of Copyright Law" for survey course of "Intellectual Property Law" for the University of Mississippi School of Law (October 31, 2008)



- Author - "How to Stop Others from Using Your Business's Trademarks in a Website Address," Tennessee Chamber of Commerce & Industry's Business Insider (August 2008)
- Presenter - "Discovery Documents, Trial Exhibits and the Copyright Act" for the Tennessee Intellectual Property Law Association in Nashville, Tennessee (May 2, 2008)
- Presenter - "The TTAB Rule Changes and Other Recent Changes in Trademark Law" for the Tennessee Bar Association's Intellectual Property Forum (April 11, 2008)
- Presenter - "Patent Law," for the National Business Institute in Memphis, Tennessee (December 18, 2007)
- Presenter - "Recent Development in Trademark Law, including the New TTAB Rules," for the Tennessee Intellectual Property Law Association in Nashville, Tennessee (November 9, 2007)
- Presenter - "Ten Things Every Educator Should Know About the Copyright Act," for St. Agnes High School, Memphis, Tennessee (April 4, 2007)
- Author - "The Spy in Your Cell Phone," *Financial Institutions Advisor*, Vol. 2 No. 2 (June 2004)
- Author - "Is International Filing Best for Your Trademark," *Innovation*, Vol. 3 No. 4 (December 2003)
- Author - "Prescriptive Jurisdiction over Internet Activity: The Need to Define and Establish the Boundaries of Cyberliberty," *10 Indiana Journal of Global Legal Studies*, Issue 2 (Summer 2003)

SPEAKING ENGAGEMENTS

- "The Price of Entry: Litigation & Enforcement," The IP Strategy Summit, Atlanta, Georgia (April 2015)
- Panelist – "Preparing for Litigation," The IP Strategy Summit: Enforcement, Silicon Valley, California (June 2014)
- "Utilizing Your Intellectual Property to Drive Revenue and Value," webinar (December 2012)
- "Electronically Stored Information (ESI) and the Deal Lawyer," *InsideCounsel* webinar (December 2012)
- "BIG Data, BIG Analytics: Attacking the ESI Volume Problem with More than Just TAR," *eDiscoveryJournal* webinar (November 2012)
- Panelist – "Social Media - The Good, the Bad, and the Illegal?," Tennessee Bar Association's "The Law of Technology - What You Need to Know" seminar (September 2012)
- "Intellectual Property Issue Basics," Tennessee Bar Association's "General Practice 2012 Fast Track" seminar, Knoxville, Tennessee (August 2012)
- "Ethical Considerations and Social Media: Clients and Business Strategies," Tennessee Bar Association webinar (August 2012)



- Instructor/Presenter – Kroll Ontrack Advanced E-Discovery Certification Course, Eden Prairie, Minnesota (June 2012)
- Co-presenter – "Damages and the Calculation of Damages in Intellectual Property Cases," Intellectual Property Section, Nashville Bar Association (November 2011)
- Co-presenter – "Intellectual Property and Political Campaigns," Tennessee Intellectual Property Law Association, Nashville, Tennessee (November 2011)
- "Are You Sure You Own the Copyrights in Your Code?," Suffolk University Law School podcast (August 2011)
- "Ethics for IP Lawyers - 2011," Tennessee Bar Association's Intellectual Property Forum (March 2011)

ADMISSIONS

- Tennessee
- U.S. District Courts for the Middle, Eastern and Western Districts of Tennessee
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court for the District of Colorado
- U.S. District Courts for the Eastern and Northern Districts of Texas

EDUCATION

- Indiana University School of Law, J.D., 2003, cum laude
- USD Institute on International and Comparative Law at Trinity College, Dublin, Ireland, 2002
- Xavier University, B.A., 2000, cum laude