

# Snell & Wilmer

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## Mary D. Hallerman

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### Main Bio

Mary Hallerman focuses her practice on trademark, trade dress, unfair competition, false advertising, and copyright litigation, enforcement, and counseling. She regularly represents clients in federal trial and appellate courts throughout the United States and before the Trademark Trial and Appeal Board (TTAB) of the U.S. Patent & Trademark Office, as well as in domain name disputes before the World Intellectual Property Organization (WIPO) and similar fora.

In the past decade, Mary has gained substantial experience in key issues encountered in Lanham Act and copyright litigation, including priority, ownership, likelihood of confusion (forward, reverse and initial interest), acquired distinctiveness or secondary meaning, genericness, surveys (confusion, fame, genericness, false advertising), trademark counterfeiting, uncontrolled licensing, holdover franchisees, functionality of trade dress, gray goods, cybersquatting, keyword advertising and search engine optimization, copyrightability, preemption, open source software, and damages and injunctive relief.

The *World Trademark Review* recently recognized Mary's "faculty for guiding case strategy and management." She regularly develops and implements discovery strategies, takes and defends depositions, works with expert witnesses, prepares and argues dispositive motions, and leads trial and evidentiary hearing preparation. Mary also has significant appellate experience, having represented clients in trademark, trade dress, false advertising, and copyright appeals before five different courts of appeal and the Supreme Court of the United States.

In addition to her litigation practice, Mary regularly works with clients in managing trademark and domain name portfolios, takedowns of infringing content, assessing litigation risks, trademark selection and clearance, reviewing advertising, marketing, and packaging, and assisting in the intellectual property aspects of corporate transactions.

Mary also regularly serves as local counsel in the "Rocket Docket" of the U.S. District Court for the Eastern District of Virginia, where she served as a law clerk for the Honorable Claude M. Hilton and interned for the Honorable Henry E. Hudson. She has experience in all four divisions of that court, having represented clients in more than 20 cases involving intellectual property, antitrust, and other commercial disputes.

### Representative Experience

- Represented brewing company in TTAB appeal to the U.S. Court of Appeals for the Federal Circuit
- Represented third-party domain registrar in cybersquatting litigation

- Represented pet care company in trade dress infringement litigation involving the packaging of dog food product
- Defended logistics company in multijurisdictional litigation involving issues of copyright infringement, trade secret misappropriation and trademark infringement
- Defended financial services company in trademark infringement and dilution litigation
- Defended international confectionery company in trade dress infringement litigation involving product configuration of snack product
- Defended brewing company in trademark infringement litigation
- Defended pet care company in patent and trade dress litigation involving product configuration of canine dental treat
- Defended pet care company in false advertising litigation
- Defended toy company in copyright infringement and Digital Millennium Copyright Act litigation
- Represented call verification technology solution company in cybersquatting litigation
- Defended international software company in copyright infringement and breach of contract litigation involving open-source software and the General Public License (GPL)
- Represented food distributor in trade secret, trademark infringement, trademark counterfeiting and breach of contract dispute in a four-week jury trial
- Defended food manufacturer in trademark infringement and false advertising litigation
- Represented alcohol beverage company in trademark counterfeiting and infringement dispute concerning imitation product
- Represented food manufacturer in complex trademark and trade dress litigation involving packaging and name of candy
- Represented moving company in trademark infringement litigation
- Represented lawn care services provider against a former franchisee in trademark infringement litigation
- Represented biopharmaceutical company in trademark infringement litigation
- Represented nonprofit organization in trademark infringement litigation
- Represented motor club federation in multiple trademark infringement disputes
- Represented golf resort company in multiple trademark infringement disputes

## Education

- University of Richmond School of Law (J.D., *cum laude*)
  - Editor-in-Chief, University of Richmond Law Review
  - Moot Court
  - Trial Advocacy Board
- College of William and Mary (B.A., Government and Sociology)
  - Monroe Scholar

## Professional Memberships & Activities

- Copyright Society of the USA

- International Trademark Association
  - Member, Emerging Issues Committee (2022-present)
- National LGBT Bar Association

## Representative Presentations & Publications

- "Intellectual Property Pre-Litigation Tips," Co-Presenter, Snell & Wilmer Virtual CLE Series (June 9, 2022)
- "Trade Dress and Functionality: Recent Developments," Presenter, Snell & Wilmer Virtual CLE Series (June 15, 2021)
- ["Perdue Calls Animal Rights Group's Lawsuit Over Fresh Line Labeling 'Frivolous',"](#) Quoted, The Food Institute (June 14, 2021)
- "Recent Developments in Intellectual Property Law," Co-Presenter, Snell & Wilmer 2020 Year-End CLE Series (August 19, 2020)
- ["If No One Owns the Law, Who Owns the Statutory Annotations?"](#) Author, SWIPLit Blog (May 5, 2020)
- ["At Long Last, Supreme Court Resolves Circuit Split Over Lanham Act Profits,"](#) Author, SWIPLit Blog (April 24, 2020)
- "When It's All in the Family: Reverse Confusion Not a Basis for Broad Trademark Remedies," Author, World Trademark Review (January 23, 2020)
- "In the Pink: Lack of Personal Jurisdiction Results in Dismissal of Non-Infringement Verdict," Author, World Trademark Review (November 12, 2019)
- "Kardashians Walk – Trademark Licensee Has No Standing to Sue for Infringement," Author, World Trademark Review (June 17, 2019)
- "Fifth Circuit Schools Plaintiff on Likelihood of Confusion," Author, World Trademark Review (April 3, 2019)
- "Copyright Registration is the Entry Ticket into Federal Court," Author, JD Supra (March 8, 2019)
- "Turbulence on Breach of Employment Agreement, Trade Secret Misappropriation," Author, JD Supra (February 13, 2019)
- "An All-Star Trademark Opinion," Author, JD Supra (December 3, 2018)
- "Detroit Athletic Co.: Not Even A Sporting Chance for Registration," Author, World Trademark Review (November 1, 2018)
- "Jewelry Common Law Mark Loses Its Sparkle," Author, World Trademark Review (October 8, 2018)
- "Tread Lightly: Tire Company's Use of Competitor's Mold is Reverse Passing Off," Author, World Trademark Review (September 20, 2018)
- "Copyright Owner's Narrow Interpretation of Implied License Rejected," Author, The Licensing Journal, Vol. 38, No. 8 (September 2018)
- "Federal Circuit Zeros In on Genericness and Acquired Distinctiveness," Author, JD Supra (August 2, 2018)
- "Backyard Grill Summary Judgment Gets Burnt by Fourth Circuit," Author, World Trademark Review (June 18, 2018)
- "No Safe Harbor Shelter for ISP, but No \$25 Million Payout Either," Author, JD Supra (April 10, 2018)

- “Ninth Circuit Dishes Out Food for Thought on Summary Judgment,” Author, JD Supra (March 13, 2018)
- “Recovering Attorneys’ Fees Is Not a Snap,” Author, JD Supra (October 9, 2017)
- “Hair Care Company Can’t Wash Away Absence of Infringement,” Author, JD Supra (August 4, 2017)
- “Party Over for Claimed Mardi Gras ‘Bead Dog’ Trademarks,” Author, World Trademark Review (June 25, 2015)

## **Professional Recognition & Awards**

- Snell & Wilmer COACH Award (2023)
- World Intellectual Property Review, Trademark Leader (2022)
- The Best Lawyers in America®, Trademark Law (2020-2023)
- World Trademark Review 1000 (2020-2024)
- Managing IP Awards, Impact Case of the Year (2021)
- American Bar Foundation, Fellow (2021-present)
- Benchmark Litigation 40 & Under Hot List (2019-2021)
- Washington, DC Super Lawyers®, Rising Star (2014-2022)
- The Legal 500 (2018-2019)
- Washington Lawyers' Committee for Civil Rights and Urban Affairs, Outstanding Achievement Award (2015)
- T.C. Williams Legal Scholarship Award (2010)

## **Previous Professional Experience**

- McDermott Will & Emery LLP, Partner (2011-2020)
- Law Clerk, Honorable Claude M. Hilton, U.S. District Court for the Eastern District of Virginia (2010-2011)

## **Bar Admissions**

- District of Columbia
- Virginia

## **Court Admissions**

- United States Court of Appeals, Federal Circuit
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Third Circuit
- United States District Court, District of Columbia
- United States District Court, District of Maryland
- United States District Court, Eastern District of Michigan

- United States District Court, Eastern District of Virginia
- United States District Court, Western District of Virginia
- United States Supreme Court

## **Client News**

- Snell & Wilmer Represents Leading Cryptocurrency Exchange BitMEX® in Recovery of All Domain Names From Cybersquatters