



JAMES B. ASTRACHAN
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EMPLOYMENT

Astrachan Gunst Thomas, P.C.
Founding Principal
1997- Present
Litigation, Intellectual Property, Business, Tax Controversy.

Weiner, Astrachan, Gunst, Hillman & Allen, P.C.
Shareholder
1994-1997

Hazel & Thomas, P.C.
Shareholder
1991-1994

Weinberg & Green, LLC
Partner
1986-1991

Nature of Practice: Complex litigation (primarily intellectual property), complex business transactions, technology transfer, intellectual property, employment restrictions, and alternative dispute resolution.

ALTERNATIVE DISPUTE RESOLUTION

Matters: Since 2009, served as a mediator for many business and tort-related matters, including through the Circuit Courts of Baltimore City, Baltimore County and Queen Anne's County; for decades participated in many mediations as counsel in the U.S. District Courts and with private mediators, participated in resolving numerous business disputes.

In 2015, appointed a trademark mediator by the International Trademark Association (INTA).

Training: 40-Hour Civil Mediation Training
The Maryland Institute for the Continuing Professional Education for Lawyers and The Center for Dispute Resolution – June 2009

Ongoing annual continuing legal education ADR courses

RELEVANT TEACHING

University of Maryland
School of Law
Baltimore, MD 21201

1999 - Adjunct Professor, Copyright Law

2002 - 2015 - Senior Adjunct Professor,
Trademark and Unfair Competition Law

University of Baltimore
School of Law
Baltimore, MD 21201

1999 - 2001 - Adjunct Professor,
Intellectual Property and Mass
Communications

2010 - 2012 – Adjunct Professor,
Copyright Law

2009; 2014-Present – Adjunct Professor,
Trademark and Unfair Competition Law

Fall 2017 – Adjunct Professor,
The Second Amendment and Gun Control

Johns Hopkins University
Odyssey Program
Baltimore, MD 21218

2016 and 2017 – Instructor,
Gun Control and the Second Amendment

Washington College
Academy of Lifelong Learning
Chestertown, MD 21620

2016 - 2019 – Instructor,
Gun Control and the Second Amendment
Intellectual Property

LEGAL TREATISES AUTHORED

THE LAW OF ADVERTISING AND MASS COMMUNICATIONS, James B. Astrachan and Donna M.D. Thomas, authors; George Eric Rosden & Peter E. Rosden, original editors, 6 volumes LexisNexis/Mathew Bender, 2005 - Present
<http://bookstore.lexis.com/bookstore/product/10267.html>.

Editor, INTELLECTUAL PROPERTY HANDBOOK FOR THE MARYLAND BUSINESS LAWYER AND LITIGATOR, Maryland State Bar Association 2013; 2019.

LAW REVIEW ARTICLES AUTHORED

Astrachan, James B., J.D., LL.M., Hale, David J., J.D., John R. Michener, Ph.D., Steven D. Mohan, D.C.S., *"Snake-Oil Security Claims' - The Systematic Misrepresentation of Product Security in the e-Commerce Arena,"* Univ. Michigan Law School Telecommunications and Technology Law Review Journal, Volume 9, Issue 2 (Spring 2003).

Astrachan, James B., J.D., LL.M.; *"Who Will Protect the Consumers of Trademarked Goods?,"* University of Baltimore Law Review, Volume 46, Issue 3 (Summer 2017).

Astrachan, James B., J.D., LL.M., *"The Bumpy Road to the Supreme Court: Does the Second Amendment Prevent States From Prohibiting Ownership of Assault-Style Rifles and High-Capacity Magazines?,"* University of Baltimore Law Review, Volume 47, Issue 3 (Summer 2018).

Astrachan, James B., J.D., LL.M., *"Unlawful Use in Commerce and the Affirmative Defense to Infringement: When Trademark Rights Are Not What They Appear to Be,"* Syracuse Law Review (Forthcoming 2019).

Numerous seminars and talks to Judicial Institutes, Association of Corporate Counsel chapters and others on a broad array of topics, including irreparable harm, trademarks, valuation of damages, advertising law and copyright.

Numerous articles authored on IP and other subjects.

ELECTED

Life Fellow, American Bar Foundation.

Life Fellow, Maryland Bar Foundation.

Life Fellow, Baltimore City Bar Foundation.

LEADERSHIP ACTIVITIES

Chair, Intellectual Property Committee of Maryland State Bar Association, 1988 - 1990.

Vice Chair, Intellectual Property Committee of Maryland State Bar Association, 1994 - 1996.

Legislative Chair, Intellectual Property Section of Maryland State Bar Association, 2014 - 2015.

Member, Maryland State Bar Association Attorney Grievance Committee Peer Review Committee, 2001 - Present.

Maryland State Bar Association, Bar Journal Editorial Committee, 2004 - 2018.

Trustee, Baltimore Bar Foundation, Inc., 2015 - Present.

Chair, Strategic Planning Committee

Director, Free State Legal Project, Inc., 2015 - 2017.

Baltimore City Sitting Judges' Election Committee, 2013 - Present.

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER

Washington, DC

Master of Laws - Taxation - 1978

UNIVERSITY OF BALTIMORE LAW SCHOOL

Baltimore, Maryland

Juris Doctor - 1974

BRYANT COLLEGE

Providence, Rhode Island

Bachelor of Science - Business Administration 1970

BAR ADMISSIONS

Maryland, 1974

District of Columbia, 2003

Pennsylvania, 2006

Federal Court Admissions:

Maryland

District of Columbia

Central District California

Eastern District Pennsylvania

Eastern District Michigan

Northern District Texas

Middle District Pennsylvania

OTHER

Co-Host, WYPR Public Radio, 88.1, Midday on the Law Radio Program, 2011-2013.

Chair, The Daily Record Editorial Advisory Board, 2009 – Present.

CASES

Acme Pad Corp v. Warm Products, Inc., Case No. S98-2830 (D. Md.). (Trademark; Unfair Competition)

American Marine PTE Ltd. and Grand Banks Yachts, Ltd. v. Composite Structures, Inc., Case No. 8: 99-CV-1423-T-17F (M.D. Fla.). (Trademark; False Advertising; Trade Secrets)

C. Rayburn Production & Post, Inc. v. On Target Challenge, Inc., et al., Case No. WMN 02-CV-598 (D. Md.). (Copyright)

Castle Communications, Inc. v. Stahler, et al., Case No. RDB-06-cv-0930 (D. Md.). (Copyright; Trade Secret; Breach of Contract; Conversion - injunction)

CircaPoetry, LLC, et al. v. American Poets Society, Inc., Case No. AMD-02-CV-3161 (D. Md.). (Copyright; Trademark; Unfair Competition)

Computer Training.com, Inc. v. Advanced Computer Technology Training, L.L.C., Case No. AMD-00-1742 (D. Md.). (Copyright; Trademark; Unfair Trade Practice)

Design Collective, Inc. v. Metroventures/USA, Inc., Case No. CCB-06-CV-2057 (D. Md.). (Copyright)

DSMC, Incorporated v. Convera Corporation, Case No. 1:01-CV-02284 (D. D.C.). (Copyright; Trade Secret; Software Licensing)

DSMC, Incorporated v. National Geographic Television Library, Inc., Claim in Arbitration/D.D.C. (Copyright; Trade Secret; Software Licensing)

Leo J. D'Aleo v. Merritt Properties, et al., Case No. MJG-00-CV-2718 (D. Md.). (Copyright)

Educational Commission for Foreign Medical Graduates v. Repik, et al., Civil Action No.: 99-CV-1 (E.D. Pa). (Copyright)

Educational Commission for Foreign Medical Graduates v. Teknology-Laine, L.L.C, Laine, and Madani, Civil Action No.: 6: 99-1676-24 (D. S.C. Greenville Div.). (Internet; Trademark)

Educational Commission for Foreign Medical Graduates v. Perot Systems Corporation., Civil Action No.: DV99-01637 (Dallas, Texas). (Technology; Breach of contract to develop software)

Internet Order, LLC v. Verapass Marketing, LLC, et al., Case No. DKC-03-CV-1501 (S.D. Md.) (Breach of Contract; Misappropriation; Copyright; Trademark; Unfair Competition; Trade Secret)

Janice Harris Lord v. William Mosbrook and Eugene D. Wheeler and Associates, Inc., Civil Action No.: 03-CV-2840-D (D. Tx.). (Copyright; Publishing)

LabWare, Inc. v. InnaPhase Incorporated, Case No. 04-2545 (E.D. PA.). (False Advertising)

Microsoft Corporation v. TheOpticsShop.com, Inc., etc., et al., Case No. L-01-3387 (D. Md.). (Copyright/Trademark)

Cumberland Broadcasting Company, et al. v. William J. AuMiller, et al., Civil No. 1:2007-cv-02266, (D. Md.) (First Amendment Violation – preliminary injunction)

National Board for Certification in Occupational Therapy, Inc. v. The Occupational Therapy Certification Board of America, Inc., et al., Case No. AMD-02-473 (D. Md.). (Trademark; Deceptive Trade Practices)

Phillips v. Kidsoft, L.L.C., Case No. CCB-96-3827 (D. Md.). (Internet Copyright/Trademark)
Sandler v. Lifetime Books, Inc., Civil Action No.: MJG-96-4078 (D. Md.). (Copyright; Trademark)

WB Music Corp., et al. v. Belvedere Restaurant Group, LLC, et al., Case No. AMD02-CV-464 (D. Md.). (ASCAP Copyright)

The Tire Network, Inc. t/a The Tire Network v. The Goodyear Tire Rubber Company, Case No. 1:11-cv-1531 (D. Md.). (Copyright, Trademark)

First Mariner Bank v. Nationwide Biweekly Administration, Inc., Case No. 1:11-cv-1825 (D. Md.). (Trademark)

EMI Media v. That's Great News, LLC and Robert R. Roscoe, Case No. 1:11-cv-2089 (D. Md.). (Copyright)

Rosebud Entertainment, LLC v. That's Great News, LLC and Robert R. Roscoe, Case No. 1:11-cv-2085 (D. Md.). (Copyright)

Colimore Thoemke Architects, et al. v. TranSystems, Inc., 2010 Case No. 2:10-cv-03903 (E.D. Pa.) (Copyright)

1st Mariner Bank v. Resolution Law Group, 2012 Case No. 1:12-cv-1133 (N.D. Md.) (False advertising; Defamation – preliminary injunction)

Duffy v. Large Art Company, et al., 2011 Case No. 1:11-cv-01871 (M.D. Pa.) (Defamation; Breach of Contract; Right of Publicity)

Daggett v. Landmark Community Newspapers of Maryland, LLC, et al., 2012 Case No. 02-c-12-169832 (Anne Arundel County Circuit Court). (Defamation)

Rist v. Xcentrics Ventures, LLC, Case No. 1:12-cv-3660 (D.Md.). (Defamation; Communications Decency Act immunity)

Development Design Group, Inc. V. Michel Deller, et al., Case No. 1:10-cv-00053 (D. Md.). (Personal Jurisdiction for Foreign Citizens)

Everest Financial Management, Inc. v. Does I and II, Case No. 1:13-cv-01714. (Internet Anonymous Defamation)

Teal Bay Alliances, Inc. v. Southbound One, Inc., Case No.: 1:13-cv-02180. (Trademark)

Potomac Conference Corp. of Seventh-Day Adventists, d/b/a Takoma Academy v. Takoma Academy Alumni Association, Inc., 2 F. Supp. 3d 758 (D. Md. 2014). (Trademark – preliminary injunction)

Plank v. Cherneski, Case No. C-02-CV-16-002078 (Cir. Ct. Anne Arundel County). (Breach of Contract – preliminary injunction)