



**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.CS., *"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 (Summer 2019).

Astrachan, James B., J.D., LL.M., *"The Public Policy Argument Against Trademark Licensee Estoppel,"* Missouri Law Review, Vol. 85, No. 4 (Fall 2020)

Astrachan, James B., J.D., LL.M., *"An Award of Statutory Damages Under the Copyright Act for Post-Registration Infringements? It Depends.,"* Drexel Law Review, (Forthcoming 2022)

**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 Thoenke 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)

*Sinclair Broadcast Group, Inc. v. Colour Basis, LLC, et al.*, Case No.: 1:14-cv-02614-CCB (D. Md.) (Copyright)

*Design Collective, Inc. v. Beaufort-Jasper Higher Education Commission et al*, Case No.: 9:15-cv-03089-DCN (D.S.C.) (Copyright)

*Design Collective, Inc. v. Union Wharf, LLC*, Civil Case No.: 24-C-06-011247 (Circuit Court for Baltimore City) (Copyright)