



Craig L. Mytelka

Partner

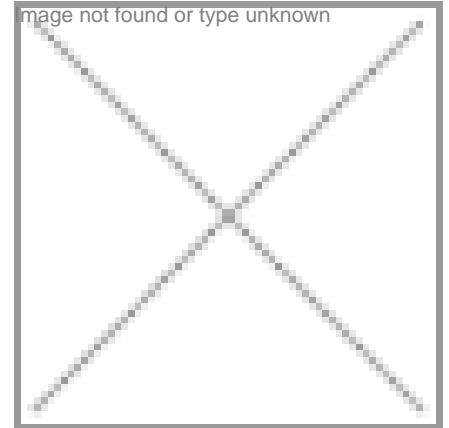
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For almost 30 years, Craig Mytelka has dedicated his practice to helping clients navigate issues of intellectual property law, primarily in the areas of licensing and litigation. Craig helps companies and individuals maximize the value of their intellectual property portfolios through licensing, particularly regarding software and related areas such as privacy, cybersecurity, data rights and cloud storage. He also assists clients with the licensing of patent, trademark and copyright assets.

When necessary, Craig helps his clients protect, defend and enforce their intellectual property rights in court. He uses his nearly three decades of experience to assist clients throughout the litigation process, including in cases involving patent, trademark and copyright infringement; unfair competition; trade secrets; and related complex business litigation.

His experience includes companies of all sizes, from small startups to large corporations, and brand-name individuals across a wide array of industries, including financial services, manufacturing, health care, insurance, aviation, communications, software, entertainment and other technology fields.

Craig is listed in *The Best Lawyers in America*® (2011-present) and *Virginia Business*' "Legal Elite" (2008-present), including in 2009 when he was featured as one of the top 10 vote recipients for Intellectual Property Law. He has been recognized as the *Best Lawyers*® Norfolk "Lawyer of the Year" for Litigation - Patent (2017, 2020, 2022), and the *Best Lawyers*® Norfolk "Lawyer of the Year" for Litigation - Intellectual Property (2018). Craig has been recognized by *Chambers USA* as a leading intellectual property attorney (2004-present); listed in *Virginia Super Lawyers* for Intellectual Property Law (2006-present); and listed as one of the Top Lawyers of Coastal Virginia by *CoVa Biz Magazine* (2017-present). In addition, Martindale-Hubbell has rated him an AV attorney, its highest rating available.

Craig is also recognized as a Master in The James Kent American Inn of Court. He is a member of the American Intellectual Property Law Association, the Intellectual Property Section of the Federal Bar Association, the Intellectual Property Section of the Virginia State Bar, the Virginia Beach Bar Association and the Norfolk & Portsmouth Bar Association.

Craig serves as a trustee and counsel to the Cape Henry Collegiate School in Virginia Beach. He previously served as an adjunct professor of law at the Regent University School of Law, where he taught computer, trademark, copyright, patent and unfair competition law. Craig also served on the advisory board for the College of Engineering and Science at Old Dominion University, as a director and on the executive committee of the Virginia Beach Neptune Festival, as a director on the Board of Technology Hampton Roads and as a member of the board of directors for Horizons Hampton Roads.

Craig serves as co-chair of the firm's IP Litigation Practice and the Trade Secrets, Employee Benefits and Restrictive Covenants Practice. He founded the Intellectual Property Section at Williams Mullen and served as its chair for 20 years. He also served on the firm's board of directors as a vice president, as well as on the firm's executive committee.

A graduate of Clark University in Worcester, Massachusetts, Craig received his law degree from the University of Richmond School of Law. While in law school, he was a merit scholar and a member of the *University of Richmond Law Review*.

Practice Areas

- Intellectual Property
- Intellectual Property Litigation
- IP Due Diligence & Opinions
- Copyrights
- Trademarks
- Software & Electronic Commerce
- Trade Secrets, Employee Mobility and Restrictive Covenants
- Hospitals/Health Systems
- Nursing Homes and Assisted Living Facilities Business Sectors
- Communications
- Insurance
- Interactive Software and Digital Media
- Manufacturing
- Community Banks
- Data Protection & Cybersecurity
- Emerging Companies
- Offshore Wind Energy

- Advertising, Marketing & Media
- Government Contracts
- Wind Energy

Experience

THE CASES LISTED BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY THE FIRM. CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. NOT ALL CASE RESULTS ARE PROVIDED. CASE RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE CASE UNDERTAKEN BY THE LAWYER.

Patent Litigation

- Represented client in a patent infringement lawsuit based on camera mount device for outdoor market. The case was resolved on a basis favorable to the client.
- Represented Defendant, a leading bottled water supplier, in a patent case alleging Defendant infringed a series of Plaintiff's patents.
- Represented Plaintiff, a manufacturer of recreational pool products, in a patent infringement suit asserting that the Defendant infringed on the Plaintiff's patent by manufacturing, distribution, sale, and import of inflatable flotation devices without authorization from Plaintiff.
- Represented Defendant, an information technology and service provider, in a patent infringement suit brought by an entity alleging that the Defendant infringed on Plaintiff's patent rights by using laser-etched security features for identification documents.
- Represented Defendant, a manufacturing company, in a patent infringement suit.
- Represented Defendant, a real estate investment trust, in a patent infringement suit related to a computer-based map navigation and display system.
- Represented Plaintiff, an international manufacturer of furniture products, in a patent infringement suit for features contained in casual outdoor living furniture.
- Represented Plaintiff, a general machining shop, in a patent infringement suit asserting that the Defendant infringed a registered patent of the Plaintiff by making, using, importing and offering to sell its products and services without Plaintiff's authorization.
- Represented Plaintiff, a manufacturer of pool flotation chairs, in a patent infringement suit.
- Represented Defendants, an automotive dealership owner and an operator of television and radio stations, in a patent infringement suit brought by an entity alleging that the Defendants had infringed a patent related to an apparatus and method for recording, communicating and administering digital images.
- Represented Defendant, a port terminal operator, in a patent infringement suit brought by an entity alleging that the Defendant had infringed a patent related to a system and method for determining freight container location.
- Represented Defendant, a communications technology company, against infringement claims as to

Plaintiff's patent related to Voice Over Internet Protocol (VOIP) products.

- Represented Plaintiff, a pool toy manufacturer, in a design patent and trade dress infringement of two aquatic toy products, including an underwater skateboard and a spring float. The case was resolved after mediation.
- Represented Defendant, a manufacturer of recreational pool products, against allegations of tortious interference and business conspiracy.
- Represented Defendant, a video game publisher, against claims of patent infringement brought by an NPE, over facial recognition technology used in entertainment devices.
- Represented Defendant, a manufacturer of strollers, against claims relating to a mechanical patent on a folding mechanism, and allegations of trade dress infringement, brought by a direct competitor.
- Represented Plaintiff in a patent infringement suit asserting design and utility patents on various pool toys, against its direct competitor.
- Represented Plaintiff in an infringement suit to enforce patents, registered trademarks, and trade secrets relating to bodyweight resistance training exercise equipment against a direct competitor.
- Represented Defendants with a joint defense group in a patent suit alleging infringement of a process related to Invoiceless Trading and Settlement Method and System.?

Trademark Litigation

- Represented Plaintiff, a HVAC company, in a trademark infringement suit.
- Represented Defendant, a wholesale importer, in a trademark infringement suit brought by Plaintiff alleging infringement on its registered trademark by manufacturing, producing, distributing, offering for sale and using the mark in its product without consent.
- Represented Plaintiff, a concierge service provider, in a suit alleging infringement of its mark in connection with its concierge and personal assistant services.
- Represented Defendant, a provider of security, training, and consulting services, against federal and state claims of trademark infringement, trademark dilution, and unfair competition, brought by sporting goods retailer.
- Represented Plaintiff, a retailer of automotive accessories, in a trademark infringement claim.
- Represented Defendant, a manufacturer of paper towels and tissues, in a trademark infringement suit relating to patterns imprinted on the product.
- Filed suit on behalf of coffee manufacturer-client asserting infringement of registered and common law trademarks and trade dress based on defendant's use of an imitation of those marks on a coffee can used as a promotional item for the movie Watchmen. Case settled.
- Represented national fast food restaurant owner and franchisor to enforce our client's nationally registered trademarks against a truck stop operating under the same name. Case settled.

Trade Dress Litigation

- Defended manufacturer of recreational pool product in a trademark and trade dress infringement suit brought by Plaintiff for a line of water guns. Case dismissed after Defendant defended Motion

for Preliminary Injunction.

- Represented Plaintiff in copyright infringement and breach of contract action for enterprisesoftware used in hospital systems.
- Represented Plaintiff, a pool toy manufacturer, in a design patent and trade dress infringement of two aquatic toy products, including an underwater skateboard and a spring float. The case was resolved after mediation.

Trade Secret Litigation

- Represented Plaintiff in an infringement suit to enforce patents, registered trademarks, and trade secrets relating to bodyweight resistance training exercise equipment against a direct competitor.

Copyright Litigation

- Represented Plaintiff, a software and technology developer for non-profit organizations, in a copyright infringement suit.
- Represented an online coupon service in a copyright case alleging that the Defendant infringedthe Plaintiff?s registered copyrights.
- Represented Plaintiff in copyright infringement and breach of contract action for enterprisesoftware used in hospital systems.

Contracts & Licensing Disputes

- Represented Plaintiff, an insurance carrier, in an interpleader case concerning dispute of life insurance policy proceeds.
- Represented Plaintiff, a software developer, in suit alleging Defendants breached the parties? software development contract.

Education

- University of Richmond School of Law (J.D.), 1990
Merit Scholar, *University of Richmond Law Review*
- Clark University (B.A.), 1987

Professional Affiliations

- American Intellectual Property Law Association
- Federal Bar Association ? Intellectual Property Section
- Norfolk & Portsmouth Bar Association
- Virginia Beach Bar Association

Awards

- Martindale-Hubbell ? AV-Rated
- *Chambers USA* ? Intellectual Property (2004-present)
- *Best Lawyers*[®] ? Norfolk "Lawyer of the Year?" for Litigation - Intellectual Property (2018)
- *Best Lawyers*[®] ? Norfolk "Lawyer of the Year?" for Litigation - Patent (2017, 2020, 2022)
- *The Best Lawyers in America*[®] ? Copyright Law, Intellectual Property Litigation, Patent Litigation, Trademark Law, Trade Secrets Law (2011-present), Media Law (2023)
- *Virginia Super Lawyers* ? Intellectual Property (2006-present), "Top 100 Lawyer in Virginia" (2012)
- *Virginia Business* - "Legal Elite," (2008-present)
- *CoVa Biz Magazine* - "Top Lawyers of Coastal Virginia," (2017-present)
- The James Kent American Inn of Court ? Master