

People



David S. Brafman

Partner, Intellectual Property
Intellectual Property Litigation

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David Brafman has 25 years of experience in patent, trademark, and other intellectual property litigation, including as lead counsel in jury trials.

In patent cases, David has litigated in courts around the country involving a wide variety of technologies, including Internet-based auction systems, sensors, automotive parts and systems, fat-free cheesemaking, computer-controlled commercial cooking appliances, manufacturing processes, and silver-based antibiotics. In trademark and trade dress cases, David has represented both plaintiffs and defendants in connection with products and services ranging from high-end fashion to rap music to hotels.

Prior to joining Akerman, David spent several years as the Assistant General Counsel for IP Litigation at Honeywell International, Inc. As a result of his in-house experience, David is keenly aware of the need for cost-effective solutions to disputes that satisfy his clients' business objectives.

Notable Work

- In defending rap artist against trademark infringement claim, defeated a motion for a preliminary injunction, won on summary judgment, and successfully defended the win on appeal.
- Obtained dismissal of patent infringement suit in the Eastern District of Texas before discovery opened by serving a motion for sanctions for the plaintiff's failure to conduct a sufficient pre-filing infringement investigation.
- Defended software company against claim that its online auctions of foreclosed property and tax certificates infringed a patent.
- Represented a national-brand luggage company in defending against a patent infringement claim and asserting a patent infringement counterclaim.

Areas of Experience

Intellectual Property Litigation
Copyrights
Intellectual Property
Patent Litigation
Patent Prosecution and Portfolio Management
Trade Secrets, Restrictive Covenants, and Unfair Competition
Trademarks
Health and Life Sciences

Education

J.D., Harvard Law School, 1994, *magna cum laude*
B.A., Columbia University, Computer Science, 1991, *summa cum laude*, Valedictorian, Phi Beta Kappa

Admissions

Bars

Florida
New York

Courts

U.S. Court of Appeals, Federal Circuit
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. District Court, District of New Jersey
U.S. District Court, District of Colorado

Related Content

Chambers USA Ranks Akerman Among the Nation's Best Law Firms in 2024
June 06, 2024

Akerman Once Again Ranked Among the Best in the United States by *Chambers USA*
June 06, 2023

Sixty-Seven Akerman Lawyers Recognized in *Chambers USA* 2022 Guide

- Represented a Fortune 100 company in a lawsuit against a competitor for infringing a patent on platinum-tipped automotive spark plugs.
- Represented a luggage company in defense of product configuration trade dress claims.
- Defended a start-up scientific research company against patent inventorship and trade secret misappropriation claims concerning silver-based antimicrobial technology.
- Represented well-known food manufacturer against infringement claim on a process for manufacturing low-fat cheese.
- Represented a U.S. automobile manufacturer against claims of patent infringement and trade secret misappropriation relating to a sports car's engine cooling system.
- Represented Internet search engine company against patent infringement claim related to computerized mapping technology.
- Defended biotechnology company against patent infringement claim on single nucleotide extension.
- Represented international luxury fashion house in trademark infringement and unfair competition suit against New York retailers selling knock-offs.
- Represented jewelry industry company in trademark infringement claim on products used to analyze diamonds.
- Represented Grammy award-winning musical artist in a lawsuit against his record company.

Related Professional Experience

- Honeywell International Inc., a Fortune 100 company, Assistant General Counsel - IP Litigation

Published Work and Lectures

- 27th Annual North American Entertainment, Sports & IP Law Summit, Moderator, "Views From the Bench," Speaker, "Best Practices in Patent Litigation," November 2015
- 26th Annual North American Entertainment, Sports & IP Law Summit, Moderator, "Views From the Bench," Speaker, "Patent Law: Supreme Court & Federal Circuit Year in Review," November 2014
- 25th Annual North American Entertainment, Sports and Intellectual Property Law Conference, Speaker, "Crowd Sourced Funding, Capital Raises and Securities," November, 2013

Affiliations

- Intellectual Property Owners Association, Litigation Committee, Member

Honors and Distinctions

- *Chambers USA*, 2022-2024, Ranked in Florida for Intellectual Property
- *Daily Business Review*, 2014 and 2015, Litigation Department of the Year for Intellectual Property, Member