SHULMAN ROGERS

Joshua A. Glikin

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A seasoned litigator, Josh Glikin represents clients in intellectual property and business disputes in federal courts across the country. He recognizes that the best dispute resolution strategy is the one that achieves his client's business objectives and is skilled at helping them assess their options and make fact-based decisions.

Josh's intellectual property litigation experience includes technology disputes, patent, trademark and copyright infringement matters and trade secret misappropriation. He has represented numerous software companies in complex licensing and development disputes and patent infringement litigation involving electrical and mechanical devices and consumer products, including nutraceuticals. A broad array of clients – including a national restaurant chain, an apparel manufacturer and a broadcasting network – have relied on Josh for representation in trademark and copyright litigation.

His business litigation experience includes class action defense, false advertising and unfair competition claims, employment discrimination and restrictive covenant disputes, securities fraud claims and a wide range of partnership and commercial contract disputes. Clients include private companies at all stages of development, public companies and individual business owners.

BAR & COURT ADMISSIONS

Maryland

U.S. District Court for the District of Maryland

U.S. District Court for the Northern District of Illinois

Supreme Court of Maryland

EDUCATION

University of Baltimore School of Law, J.D., *cum laude*; Member, Intellectual Property Law Journal

Frostburg State University, B.S., *summa cum laude*; Member, Phi Beta Kappa

University of Sunderland (England), British Journalism Degree

Josh's background as a former news broadcaster and producer for television and radio news in Baltimore and in the UK enables him to communicate persuasively and effectively on behalf of his clients. He is at ease in the courtroom and prides himself on communicating complex issues clearly. In recognition of his intellectual property litigation expertise, Josh frequently speaks on a variety of litigation and intellectual property protection topics to firm clients as well as bar and trade associations.

Community involvement and advocacy are fundamentally important to Josh. In addition to serving in leadership roles on local councils, committees and community associations, he provides pro bono assistance to local community causes. This assistance has included successful action to compel the local school district to build a new elementary school to relieve overcrowding and the effort to build a community swim club that would provide special services for children in need. Josh is also a dedicated member of the Church of the Nativity, where he has volunteered his time in ways big and small for more than fifteen years.

Results

Complex Commercial Litigation and Dispute Resolution Matters

- *Patent infringement defense counsel for national industrial refrigeration company: W.D. Va. and the Federal Circuit*. Following extensive due diligence and analysis of claim construction and infringement contentions, advised client to reject plaintiff's early settlement demand. Prevailed following evidentiary *Markman* hearing and obtained judgment of noninfringement that plaintiff appealed. Advised client to again reject unreasonable settlement demand. Following oral argument, the Federal Circuit affirmed in January of 2023. The cost of obtaining a judgment of

noninfringement was less than 30% of the lowest settlement demand.

- *Lead defense counsel in nationwide class action representing national retailer and private label manufacturer: N.D. Ill. and the Seventh Circuit*. Defense counsel for nationwide consumer class action. Obtained order from the Judicial Panel on Multidistrict Litigation consolidating multiple cases filed in various jurisdictions. Following settlement conference in which plaintiffs' demands were unreasonable, coordinated with multiple co-counsel firms and obtained dismissal of all claims. Plaintiffs appealed and, following briefing and oral argument, the Seventh Circuit affirmed dismissal. Negotiated nominal settlement with plaintiffs to lessen likelihood of future litigation and to meet client objectives.
- *Lead plaintiff's counsel for international corporation in tort and trade secret action against former owner: Circuit Court for Maryland, Maryland Appellate Court, and Bankr. M.D.N.C.* Obtained a multimillion-dollar judgment following trial in a Maryland state trial court against disloyal former owner who refused to settle. Maryland Appellate Court affirmed and, in a published opinion, adopted argument for new standard for asserting personal jurisdiction in Maryland. Defendant filed bankruptcy in North Carolina. Following extensive discovery and motions practice, obtained a judgment of nondischargeability.
- *Lead defense counsel for technology startup in noncompetition, copyright infringement, and contract action: E.D. La*. Defended technology company against aggressive claims by existing competitor. Advised client to reject competitor's initial and multiple pretrial settlement demands of more than 50-million dollars. Following the first week of a multi-week trial, plaintiff settled for less than 5% of its lowest pretrial demand.
- *Lead defense counsel in federal class action by current and former employees and contractors alleging FLSA and various related claims: D. Md.* Following extensive due diligence and analysis,

advised client regarding likelihood of liability and range of potential damages. Negotiated early classwide settlement that the Court approved that was about 25% of client's potential liability, to be paid over significant time. Result was that client avoided bankruptcy.

- *Lead trademark cancelation counsel before the U.S. Patent & Trademark Office*. Representing Washington, D.C. based retailer seeking to cancel competitor's registered marks on several grounds.

Recognition

- Maryland Super Lawyers, 2014-2018, 2020-2026