

Laura C. Miller

Partner

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Services

Advertising Counseling & Disputes

Anti-Counterfeiting & Gray Markets

Brand Licensing & Related

Transactions

Clearance & Portfolio Management

Copyright Litigation & Counseling

Intellectual Property

Trademark Litigation

Trademark, Copyright &

Advertising

Industries

Apparel, Accessories & Luxury

Goods

Chemicals

Consumer Goods

Electronics & Computer

Technology

Food, Restaurant & Beverage

Home Furnishings

Media & Entertainment

Medical & Surgical Devices

Laura Miller helps brand owners build and protect their brands domestically and abroad. She focuses her practice on branding, advertising, and brand protection and enforcement. Laura has particular experience with the apparel, food and beverage, life sciences, logistics and software industries.

Clients seek Laura's advice on all aspects of brand building and protection, from managing trademark clearance and enforcement to advising on advertising campaigns, promotions, and agreements. Laura crafts brand protection strategies, manages domestic and international trademark portfolios, and handles litigation and enforcement efforts in the administrative and federal courts.

Laura also represents advertisers in connection with the legal aspects of their advertising and promotional marketing businesses. Laura has drafted numerous agreements in the advertising space, including talent agreements, sweepstakes and contest rules, social media agreements, influencer agreements, and agency agreements.

Drawing upon her experience as interim in-house counsel for a *Fortune* 500 company where she oversaw the



commercial, advertising and intellectual property functions of the legal department, Laura is able to provide pragmatic, solutions-oriented advice to clients.

Laura has written and spoken on topics in trademark and advertising law.

Laura was the recipient of the John Thomas Byrum Scholarship at Wake Forest University. In 2007, the Intellectual Property Law Section of the North Carolina Bar Association presented its individual Pro Bono Award to Ms. Miller. She was recognized as a North Carolina "Rising Star" for Intellectual Property Litigation in 2018 and in each of the five years immediately preceding by *Super Lawyers* magazine. Ms. Miller was also named one of "40 Leaders Under Forty" in 2016 by *Triad Business Journal*.

Experience

Represents a global consumer products company and the owner of some of the most recognized brands for T-shirts, underwear, hosiery and activewear and routinely advises the client on advertising related issues that include reviewing advertising copy, securing rights from models, photographers and musicians, drafting and negotiating agreements for celebrity spokespersons, product placement in motion pictures, and event sponsorships.

Lead defense counsel for Marriott International Design & Construction Services Inc. in a copyright case. Negotiated settlement agreement which resolved the case. *Culp Inc. v. Valley Forge Fabrics Inc., et al.*, No. 08-0606 (M.D.N.C. filed Aug. 25, 2008).

Represents victims of domestic violence who are seeking protective orders for themselves and their children against batterers and stalkers.

Represented a major tobacco company in opposition proceedings regarding the use of the word "pleasure" in connection with cigarette advertising and promotion.

Represented a former town councilman and military veteran who had been convicted of killing his wife and sentenced to death. Our work included interviewing jurors to determine if there was any basis for a juror claim. The team analyzed the bases for jury strikes, interviewed jurors in person about the trial, and provided their findings to the Center for Death Penalty Litigation (CDPL). The findings were included in a motion for appropriate relief filed with the trial court. The judge ordered an evidentiary hearing on the juror claim the Center raised, pertaining to jurors reading the Bible and consulting a minister about whether to impose life or death. The Center reported that the judge seemed genuinely troubled by the allegations, and was hopeful that if the testimony came in as anticipated, it could prevail and obtain sentencing relief for the client. Soon thereafter, we received word that the judge vacated the clients death sentence because of juror misconduct during sentencing

deliberations, discovered through juror interviews conducted by our team of lawyers. The team learned that a juror consulted her minister on the first night of sentencing deliberations. Her minister, who was a former probation officer, explained that a death sentence is followed by a series of appeals and that the decision can be reversed. The judge ruled that this extrinsic information potentially tainted the jury by alleviating them of their responsibility to make their own decision about whether to impose death.

Represented Harley-Davidson Motor Company in winning a reversal in the United States Court of Appeals, Seventh Circuit. The Court held that Harley-Davidson's lawsuit against use of HOGS ON THE HIGH SEAS was not barred by previous rulings finding HOG generic for large motorcycles, and remanded the case for trial. The case was later settled favorably for our client. *H-D Michigan, Inc. v. Top Quality Service, Inc.*, No. 04-C-0533, 2006 WL 2547083 (E.D. Wis. Aug. 31, 2006), *rev'd*, 496 F.3d 755 (7th Cir. 2007).

Represents Diageo North America in a variety of trademark and unfair competition matters, including litigation in federal district court and before the Trademark Trial and Appeal Board, as well as trademark clearance and registration projects.

Represented Universal Furniture International Inc., a home furnishings manufacturer, in a suit against Collezione Europa USA, Inc., a furniture wholesaler, based on Collezione's infringing imitations of Universal's highly successful Grand Inheritance and English Manor furniture collections and Collezione's marketing of those imitations. The court found (1) that Collezione had infringed upon Universal's valid copyrights in Universal's Grand Inheritance collection and English Manor collection; (2) that Collezione had passed off Universal's furniture as Collezione's, in violation of the Lanham Act; and (3) that Collezione's violation of the Lanham Act also constituted an unfair and deceptive trade practice in violation of N.C. Gen. Stat. § 75-1.1. After additional hearings related to monetary remedies the court awarded Universal Furniture International Inc. an amount that represented the entirety of Collezione's gross sales of the infringing furniture, as permitted by the Copyright Act. *Universal Furniture Int'l, Inc. v. Collezione Europa USA, Inc.*, No. 1:04CV00977, 2007 U.S. Dist. LEXIS 31026, *aff'd*, 2009 U.S. Dist. LEXIS 10880 (M.D.N.C. Feb. 12, 2009).

Represent children and/or their best interests in a variety of settings and courts. Lawyers routinely serve as guardians ad litem, representing the best interests of children in a variety of contexts. In Atlanta and in Winston-Salem, lawyers have represented the best interests of hundreds of children whose parents are disputing their custody. The guardian ad litem is charged with getting to know the child, studying the circumstances of the child's life, interviewing witnesses, reviewing documents and ultimately, making an oral or written recommendation to the appointing court as to what is in the child's best interests.

Represented R. J. Reynolds Tobacco Co. (RJR) in complex business litigation action. In 2009, Lorillard and RJR

signed a settlement agreement to resolve a trademark dispute between them regarding RJR's use of the word "pleasure" in advertising and marketing. After a dispute arose with respect to the meaning of the settlement agreement, Lorillard sued RJR in the North Carolina Business Court, alleging breach of contract, unfair competition, and unfair and deceptive trade practices. RJR counterclaimed for a declaratory judgment, breach of contract, and unfair and deceptive trade practices. The matter was resolved by Lorillard taking dismissal with no changes in defendant RJR's advertising or marketing. *Lorillard Tobacco Co. v. R.J. Reynolds Tobacco Co.*, 2010 cvs 11471 Guilford County Superior Court / North Carolina Business Court.

Education

Wake Forest University School of Law, J.D. (2005) *cum laude*, *Order of the Coif*

Davidson College, B.A. (2001) *magna cum laude*

Admissions

North Carolina (2005)

Court Admissions

U.S. Court of Appeals for the Fourth Circuit (2008)

U.S. District Court for the Middle District of North Carolina (2005)

U.S. District Court for the Western District of North Carolina (2007)

U.S. District Court for the Eastern District of Wisconsin (2008)

Professional & Community Activities

American Bar Association, Intellectual Property Law Section, Member

Copyright Society of USA, Member

International Trademark Association (INTA), Internet Committee, Member

North Carolina Bar Association, Intellectual Property Law Section, Member

SciWorks, Board Member and Co-Chair of the Development Committee

The Enrichment Center, Board Member

Wake Forest University School of Law, Adjunct Professor of Law

Women's Fund of Winston-Salem, Member

Children's Law Center, Guardian Ad Litem

Wake Forest Law Review, Notes and Comments Editor (2004-2005)



Insights

[Perspectives](#)

5 Key Takeaways | The Law of Advertising

June 3, 2019

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

[News Releases](#)

Kilpatrick Townsend Elects 15 New Partners

December 3, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers

February 6, 2018

[News Releases](#)

Kilpatrick Townsend Announces 2016 Kilpatrick Townsend Pro Bono Awards

April 12, 2017

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers

January 30, 2017

[News Releases](#)

Kilpatrick Townsend's Media Report May 13-19, 2016

May 20, 2016

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Kilpatrick Townsends Laura Miller Named One of "The Triad's 40 Leaders Under Forty"

March 2, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 17-25, 2016



February 26, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 4-11, 2016

February 12, 2016

[News Releases](#)

Kilpatrick Townsend Elevates New Counsel

February 3, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015