

## Miles J. Alexander

### Partner

1100 Peachtree Street NE  
Suite 2800 , Atlanta , GA USA 30309  
t 404.815.6410 | f 404.541.3105  
malexander@kilpatricktownsend.com

#### Services

Advertising Counseling & Disputes  
Alternative Dispute Resolution  
Anti-Counterfeiting & Gray Markets  
Antitrust & Trade Regulation  
Antitrust Litigation  
Asset Creation - Prosecution & Counseling  
Brand Licensing & Related Transactions  
Clearance & Portfolio Management  
Government & Regulatory  
Intellectual Property  
Litigation  
Online & Digital Enforcement  
Patents  
Trademark Litigation  
Trademark, Copyright & Advertising

#### Industries

Apparel, Accessories & Luxury Goods  
Automotive  
Consumer Goods  
Food, Restaurant & Beverage  
Media & Entertainment



Miles Alexander re-joined the firm in 1958 after teaching at Harvard Law School and serving two years as a U.S.A.F. Judge Advocate. Mr. Alexander was admitted to partnership in 1963. In addition to his activities in all aspects of trademark and unfair competition practice, Mr. Alexander counsels clients in other intellectual property fields and is a frequently selected party and court appointed mediator in alternative dispute resolution matters. He has also specialized in the field of antitrust law.

Mr. Alexander has served as both counsel and expert witness for numerous *Fortune* 500 companies in major



litigation, IP disputes and strategic planning. A widely published author and sought after speaker, he is a member of the CPR/INTA panel of "Distinguished Neutrals" and frequently serves as mediator, arbitrator and special master in major nationwide disputes.

In the 2007 *Chambers USA: America's Leading Lawyers for Business*, Mr. Alexander was one of the few attorneys across the nation to receive a "Star" ranking for exceptional recommendations in Intellectual Property. He was characterized as: "incredible - he is an elder statesman of the US IP Bar, yet he is always available and is extremely responsive.' He is called upon for his confidential opinions in cutting-edge matters, advising *Fortune* 500 companies on what to do in trademark related matters. Sources agree: 'He is the one person who stands out from the rest,' because he is 'not only technically skilled, but he is also business-savvy.'"

Mr. Alexander was recipient of INTA's 2002 President's Award. He was the first recipient of the Georgia Bar Intellectual Property Section's Lifetime Achievement Award in 2006. In the 2005 and 2006 polling of the Georgia Bar, Mr. Alexander was chosen by his peers as one of the top ten lawyers in the state. In 2009, he was honored with a Leadership Award by the Atlanta Bar Association for his service and dedication to the community and the legal profession. Mr. Alexander received the Selig Distinguished Service Award in 2010 from the American Jewish Committee for years of service to the Jewish community and the Atlanta community as a whole. He is a 2012 recipient of the prestigious Emory Medal, the highest University honor presented exclusively to alumni by the Emory Alumni Association, "for his passionate leadership, impartial and objective wisdom in legal matters and continued commitment to serving the greater good of his community." Mr. Alexander was inducted into the 2012 Gate City Bar Association's Hall of Fame. In 2014, he received the Ben F. Johnson Jr. Public Service Award from Georgia State University College of Law for his prestigious career of more than 55 years, which has earned him an international reputation as one of the world's leading trademark lawyers. In 2014, Mr. Alexander received a Lifetime Achievement Award from *World Trademark Review*.

Mr. Alexander was listed for Intellectual Property in the 2020 and the 11 years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business*, he was listed as #1 in the 2015 and the four years immediately preceding editions, and he was listed as a "Senior Statesperson" in the 2019 and 2020 editions. Mr. Alexander was recognized in 2020 and all prior editions of *The Best Lawyers in America*<sup>®</sup> for Intellectual Property Litigation, Corporate Law, Mediation, Trademark Law, Arbitration, and Antitrust Law. He was also named a 2012 "Atlanta Lawyer of the Year" in the area of Corporate Law by *The Best Lawyers in America*<sup>®</sup>. He was recognized by his peers as one of Atlanta's "Legal Elite" in 2008 and 2012 by *Georgia Trend* magazine and as one of Top 10 Lawyers in Georgia in *Atlanta* magazine. Mr. Alexander was named by Legal Media Group to its 2008, 2011, 2012 and 2014 *Guide to the World's Leading Trademark Law Practitioners*, its Best of the Best USA in 2011 as one of the top 25 practitioners for trademark law in the country and its Best of the Best in 2011 as one of the leading trademark practitioners in the world. He has been recognized repeatedly for Trademark Law in *The International Who's Who of Business Lawyers* and in *The International Who's Who of Trademark Lawyers*

in 2010, 2013, 2014 and 2015. *The International Who's Who of Trademark Lawyers* recognized Mr. Alexander in 2015 as one of only six trademark attorneys named "Most Highly Regarded" in North America. *The World Trademark Review* ranked Mr. Alexander among the top 20 trademark attorneys nationwide and in 2016 he was again recognized as a leading national trademark practitioner. He was named a Top 10 Georgia "Super Lawyer" in 2011 and a Top 100 Georgia "Super Lawyer" in 2013, 2014, 2015, 2016 and 2017 by *Super Lawyers* magazine. Mr. Alexander was recognized as a 2009 Georgia "Super Lawyer" for Intellectual Property, Intellectual Property Litigation and Alternative Dispute Resolution and again in 2020 and the nine years prior for Intellectual Property by *Super Lawyers* magazine. Mr. Alexander was ranked one of 24 attorneys from the United States in the area of Trademark and Copyright by *Chambers Global 2011*. He was also recognized as a top practitioner in Trademark, Copyright and Trade Secrets by *Chambers Global 2013, 2014, 2015 and 2016*. In 2013, Mr. Alexander was named a "Shining Star of IP" and selected as one of five individuals to the 2013 IP Hall of Fame by *Intellectual Asset* magazine. He is AV<sup>®</sup> rated by Martindale-Hubbell.\*

\*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

## **Experience**

Represented American Eagle Outfitters in asserting its trademarks and advertising motif relative to advertising and sale of AMERICAN EAGLE footwear by Payless. The firm obtained a preliminary injunction prohibiting objectionable practices and requiring a prominent disclaimer of any affiliation with American Eagle Outfitters. Ultimately, the case was favorably settled. *American Eagle Outfitters v. Payless Shoe Source, Inc.*, No. 071675 (E.D.N.Y. Nov. 10, 2008).

Represented Houghton Mifflin in a copyright infringement suit prohibiting the publication of the book "The Wind Done Gone" because of alleged infringement of the copyright in the novel and motion picture "Gone With the Wind." The Estate of Margaret Mitchell, through SunTrust Bank as Trustee, brought a copyright infringement suit against Houghton Mifflin and obtained a preliminary injunction. On May 25, 2001, and immediately upon conclusion of oral argument by the firm, a unanimous panel of the Eleventh Circuit, U.S. Court of Appeals, vacated the injunction as an abuse of discretion and unconstitutional prior restraint of speech. On October 10, 2001, the Eleventh Circuit issued a full opinion rejecting the district court's conclusion that the plaintiff was likely to succeed and finding, on the record before the court, that "The Wind Done Gone" likely made fair use of "Gone With the Wind." *SunTrust Bank v. Houghton Mifflin*, 252 F.3d 1166 (11th Cir. 2001), and 268 F.3d 1257 (11th Cir. 2001).

Successfully represented the heirs of Dr. Martin Luther King, Jr. against CBS Broadcasting Inc. in a highly publicized case before the Eleventh Circuit. The decision upheld the validity of the copyright of the famous "I



Have A Dream” speech against a challenge that it had entered the public domain. Following briefing and oral argument, the Eleventh Circuit reversed a district court’s finding that Dr. King’s copyright in the speech “I Have A Dream” was forfeited when delivered in 1963 at the March on Washington and remanded the case for trial. CBS thereafter agreed to a settlement of the Dr. Martin Luther King, Jr. Estates claim that CBS infringed copyrights when it used portions of the speech in a documentary by Mike Wallace. *Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.*, 194 F.3d 1211 (11th Cir. 1999), *reh. denied*, 207 F.3d 666 (11th Cir. 2000).

Represents Flowers Foods Inc., a leading producer of baked goods, and its subsidiaries in various trademark, unfair competition, false advertising, and copyright matters, including litigation before federal district courts and the Trademark Trial and Appeal Board, as well as trademark clearance and registration projects.

Served as co-counsel in a series of challenges to two Georgia statutes which sought to require state-issued photo identification as a condition of voting in person. The bases of the challenges were that they placed a disproportionate burden on the poor, elderly and minority communities and infringed on their right to vote, and that they imposed a poll tax in violation of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Georgia Constitution and the Twenty Fourth Amendment and Equal Protection Clause. The challenge to the Georgia Voter ID Act of 2005 was successful, and while the appeal was pending, the Georgia Legislature repealed that act and replaced it with a new Voter ID requirement. That act was subsequently upheld by the Eleventh Circuit Court of Appeals.

The firm serves as a consultant to a federation of independent health insurance companies in revising their diverse license agreements into an uniform national license for all of its plans and creating a mandatory ADR system for all disputes.

Represented one of the world's largest pizza chains in the reversal of a Federal District Court decision enjoining the chain from using their primary trademark.

The firm served as lead counsel for global snack food company in the protection of its trademark from a generic challenge and from various antitrust claims.

Serves as intellectual property counsel for one of the world's leading entertainment technology companies overseeing protection of intellectual property rights and protection of the client's trademark from infringement and challenge, as well as licensing and related franchise litigation.

Serves as intellectual property counsel to a non-profit health care organization, including assisting in trademark enforcement, trademark protection advice, international licensing, copyright matters, and patent issues.



Served as IP counsel in a case in the Delaware Chancery Court. Represented fashion design house, Tory Burch, LLC which brought claims against a former director alleging that its former director competed unfairly against the company by launching a knockoff version of the “Tory Burch” brand created with the company’s confidential information and in violation of his fiduciary duties and contractual obligations. Negotiated the settlement agreement which resolved the case. *J. Christopher Burch v. Tory Burch LLC, et al.*, No. 7921-CS (Del. Ch., Nov. 5, 2012).

### **Education**

Harvard Law School, J.D. (1955) *cum laude*

Emory University, B.A. (1952) *with honors*, Phi Beta Kappa

### **Admissions**

Georgia (1955)

### **Court Admissions**

Georgia Court of Appeals

Supreme Court of Georgia

U.S. Court of Customs and Patent Appeals

U.S. District Court for the Western District of North Carolina

U.S. Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Eighth Circuit

### **Professional & Community Activities**

American College of Trial Lawyers, Member and Author of a chapter on Creative Settlement of Intellectual Property Litigation for a major Clark Boardman treatise.

Georgia Academy of Mediators and Arbitrators, Founding Member

International Trademark Association, Member of Trademark Review Commission, which drafted the landmark 1989 Lanham Act revisions American Law Institute, Member of committee which drafted the 1995 Restatement of Unfair Competition, Board of Directors and Legal Counsel (1997-2000)

University of San Francisco, J Thomas McCarthy Institute for Intellectual Property and Technology Law, Charter Member and Advisory Council

State Bar of Georgia, Antitrust Law Section, Past Chairman



USPTO, Trademark Public Advisory Committee, First Chairman (2000-2003)

*The Trademark Reporter*, Former Editor-in-Chief

## Insights

### [News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from *Chambers USA 2020*

April 24, 2020

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers

March 6, 2020

### [In The News](#)

Kilpatrick Townsend's Trademark Team Earns Top Ranking From World Trademark Review

February 20, 2020

### [News Releases](#)

Thirty-nine Kilpatrick Townsend Attorneys Named to 2018-2019 *International Who's Who of Business Lawyers*

October 22, 2019

### [In The News](#)

Living Legends | Barkley Forum Interviews Miles Alexander and Elliot Levitas

September 19, 2019

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

### [In The News](#)

Miles Alexander: An Inspirational Dedication to Justice

June 26, 2019

### [News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019



### [News Releases](#)

ADL Honors Debbie Segal with Lifetime Achievement Award

March 14, 2019

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers

February 28, 2019

### [News Releases](#)

Kilpatrick Townsends Trademark Practice Receives Gold Level Recognition

February 5, 2019

### [In The News](#)

Kilpatrick Townsend Ranked Among Top-Three in the World for Trademark by 2018 Who's Who Legal

October 8, 2018

### [In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

### [News Releases](#)

Forty-Four Kilpatrick Townsend Attorneys Named to 2017 - 2018 International Who's Who of Business Lawyers

March 19, 2018

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers

February 28, 2018

### [News Releases](#)

Kilpatrick Townsends Trademark Practice Receives Gold Level Recognition in the 2018 World Trademark Review 1000

January 25, 2018



### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

### [In The News](#)

Miles Alexander Wins Atlanta Red Cross LifeBoard Chairman's Award

July 28, 2017

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers

February 28, 2017

### [News Releases](#)

Kilpatrick Townsends Trademark Practice Receives Gold Level Recognition in the 2017 World Trademark Review 1000

February 9, 2017

### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report June 24-30, 2016

July 1, 2016

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report May 20-26, 2016

May 27, 2016





### [News Releases](#)

Kilpatrick Townsend Once Again Receives High Recognition from Chambers Global 2016

April 7, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report March 4-10, 2016

March 11, 2016

### [News Releases](#)

Kilpatrick Townsend Receives Top Recognition in 2016 World Trademark Review 1000

January 21, 2016

### [News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

### [News Releases](#)

Ten Kilpatrick Townsend Attorneys Named to 2015 International Who's Who of Trademark Lawyers

August 13, 2015

### [News Releases](#)

Kilpatrick Townsend's Miles Alexander and Joe Beck Honored for Their Contributions to the Civil Rights Movement

June 15, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report June 5-11, 2015

June 12, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Receives High Recognition from Chambers Global 2015

April 7, 2015



### [In The News](#)

Kilpatrick Townsend's Media Report March 13-19, 2015

March 20, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Receives Top Recognition in 2015 World Trademark Review 1000

February 5, 2015