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PRACTICE AREAS

Corporate Transactions & Finance
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INDUSTRIES

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Software
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OFFICE

Leesburg, VA



DAVID LUDWIG

PARTNER

David Ludwig's practice focuses on civil litigation in the areas of patent, trademark, copyright, internet/domain names, commercial transactions, government contracts, community associations, and bankruptcy law/creditors' rights, as well as trademark and copyright prosecution, and corporate and small business law. He is co-chair of the firm's litigation group, supervising several lawyers, and he has served as an attorney for local and national clients in federal and state court litigation and arbitration matters, as well as in bankruptcy proceedings, TTAB disputes (trademark Notice of Opposition and trademark Petition to Cancel proceedings), domain name disputes (ACPA, UDRP, and URS proceedings), government contract bid protests and Tucker Act litigation, and numerous other forums and proceedings.

EDUCATION

- J.D. Law, The George Washington University Law School
- M.A. Religious Studies, Naropa University
- B.A. Philosophy, Sonoma State University

ADMISSIONS

- Virginia
- Maryland
- District of Columbia
- New York
- Georgia
- U.S. Supreme Court
- U.S. Tax Court
- International Trade Commission
- U.S. Court of Federal Claims
- U.S. Courts of Appeals – Federal Circuit, District of Columbia Circuit, Fourth Circuit, and Third Circuit
- U.S. District Courts – Eastern District of Virginia, U.S. Western District of Virginia, District of Columbia, District of Colorado, District of Maryland, Eastern District of Texas, Western District of Texas, Southern District of Texas, Middle District of Georgia, Northern District of Georgia, Northern District of Illinois, District of Puerto Rico, Southern District of New York, Northern District of New York, Western District of New York, Eastern District of Wisconsin
- U.S. Bankruptcy Courts – Eastern District of Virginia, Western District of Virginia, District of Maryland, District of Columbia, Middle District of Georgia, Northern District of Georgia, and District of Puerto Rico

EXPERIENCE

- Chaikin v. XID Technologies, Inc., Case No. 12-282 (E.D. Va. 2013): Defended a Singapore-based technology company that develops facial recognition software that was accused, by a former employee, of taking an invalid assignment of a former employee's interest in the patent applications registered with the United States Patent and Trademark Office. Successfully secured an early dismissal of the lawsuit upon jurisdictional grounds.

- Oracle America, Inc. v. Service Key LLC, et al., Case No. 12-790 (N.D. Cal. 2013): Defended an information technology government contractor that was accused, by Oracle, of copyright infringement and violations of the Computer Fraud and Abuse Act relating to downloads of firmware upgrades and software patches from Oracle in service of governmental clients.
- Manchester Oaks Homeowners Ass'n v. Batt, 284 Va. 409, 732 S.E.2d 690 (2012): Successfully challenged an HOA's discriminatory parking policy that was enacted in violation of the provisions HOA's governing documents, resulting in Judgment in favor of clients of in the amount of \$223,303.70. On appeal, made new law in support of aggrieved homeowners by successfully arguing that the Virginia Property Owners' Association Act allows aggrieved homeowners to recover their attorneys' fees in such cases.
- Continental Transfert Technique Ltd. v. The Federal Government of Nigeria, Case No. 11-7103 (D. D.C. 2010-2013; D.C. Cir. 2013): Defended the Federal Government of Nigeria in international collections dispute brought by a logistics company related to a disputed government contract seeking damages of \$423,184,115.29.
- Hayes v. Withers Broadcasting Company, Case No. 12-740 (D. D.C. 2012): Defended a large communications company in trademark infringement action alleging infringement of a mark related to an internet radio website by a prominent West Virginia radio station, successfully securing an early dismissal of the lawsuit upon jurisdictional grounds.
- Titan Atlas Manufacturing, Inc. v. Sisk, Case No. 1:11cv00012 (W.D. Va. 2010-2012): Defended patent infringement claims against Titan Atlas Manufacturing, Inc. involving technology licensed from Entwicklungs und Verwertungs Gesellschaft M.B.H., for a prefabricated construction panel used to construct mine ventilation overcasts. Defended patent infringement claims seeking damages of \$2,440,018.
- In re: World Airways, Inc., Government Accountability Office (GAO) Case B-402674 (2010): Bid protest on behalf of incumbent contractor World Airways, Inc. on the award of five contracts for \$485 million under a request for proposals (RFP), issued by the United States Transportation Command, Department of Defense, for air cargo transportation services of five fixed-price indefinite-delivery indefinite-quantity (ID/IQ) contracts, for a base period of one year with one one-year option for international commercial air cargo transportation services within the United States Central Command CENTCOM).
- United States ex rel. Benjamin Carter v. Halliburton Co., et al., Case No. 12-1011 (E.D. Va. 2009-2014; 4th Cir. 2013): Prosecuted Qui Tam whistleblower claims (False Claims Act (FCA), 31 U.S.C. § 3729) of Carter alleging fraudulent billing of the United States for services provided to the military forces serving in Iraq in Federal Court.
- Main Street Softworks v. Moneta Corp., Case No. 10-45 (E.D. Va. 2010): Prosecuted trademark infringement and cybersquatting claims against competing credit card processing company. Obtained favorable settlement for client.
- DTS Construction v. Dulles Electric Corp., Case No. 07-12589 (E.D. Va. Bankr. 2009): Defended electrical supply company against preferential transfer avoidance action brought by bankruptcy trustee.
- Air China Limited v. airchina.com, Case No. 07-1089 (E.D. Va. 2008): Defended domain name owner against international airline in multinational cybersquatting suit related to the airchina.com domain name.

PUBLICATIONS

- U.S. State Trademark and Unfair Competition Law, Virginia Chapter (International Trademark Association 2021)
- Intellectual Property and Advertising, Brewery and Distillery Law in Virginia (NBI CLE)
- Essentials of Intellectual Property, Virginia CLE (2018)
- Virginia Lawyer's Deskbook, Chapter 8: Patents, Copyright & Trademark (Virginia CLE 2017)
- Creditors Defenses During Bankruptcy, Consumer Bankruptcy from Start to Finish (NBI CLE)
- Nuts and Bolts of Bankruptcy Law, The Basics of Chapter 13 (NBI CLE)
- Business Contracts A to Z, Bankruptcy's Effect on Contracts (NBI CLE)
- BetaLaw blog
- Government Contract us blog
- Shooting the Messenger: ISP Liability for Contributory Copyright Infringement, B.C. Intell. Prop. & Tech. F. 110701 (2006)



PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- American Bar Association, Intellectual Property Section
- American Intellectual Property Law Association
- International Trademark Association
- Federal Bar Association
- Virginia Bar Association
- District of Columbia Bar Association
- Maryland State Bar Association
- Georgia Bar Association
- Fairfax County Bar Association
- Loudoun County Bar Association
- Prince William County Bar Association
- Every Citizen Has Opportunities, Inc. (ECHO), Board Member
- Community Associations Institute
- Mensa

TEACHING ENGAGEMENTS

- Adjunct Professor of Scholarly Writing, American Intellectual Property Law Association Quarterly Journal, The George Washington University Law School (2008-present)
- The Value of a Trademark Portfolio (Money for Lunch)
- Creditors Defenses During Bankruptcy, Consumer Bankruptcy from Start to Finish (NBI CLE)
- Next Step: Copyright Infringement – Strategies. Recourses. Resolutions. (American Photographic Artists of Washington, D.C.)
- Nuts and Bolts of Bankruptcy Law, The Basics of Chapter 13 (NBI CLE)
- Business Contracts A to Z, Bankruptcy's Effect on Contracts (NBI CLE)
- Sweeping Changes to the Trademark Trial and Appeal Board (Knowledge Group)
- Intellectual Property and Advertising, Brewery and Distillery Law in Virginia (NBI CLE)
- Nothing "Soft" About It: Modernizing Copyright & Trademark Practice for the Digital Era (AIPLA)
- Essentials of Copyright (VA CLE)

HONORS & AWARDS

- 2021 D.C. Super Lawyers
- 2021 Virginia Super Lawyers
- AV® Preeminent – Martindale-Hubbell® Peer Review Ratings
- Avvo 10.0 "Superb" – Top Litigation Attorney
- Virginia's 2012 Legal Elite (Bankruptcy / Creditors' Rights)
- Lawyers of Distinction
- America's Top Lawyers – American Law Society
- Leaders in the Law 2018



FULL BIO

David's practice focuses on civil litigation in the areas of patent, trademark, copyright, internet / domain names, commercial transactions, government contracts, community associations, and bankruptcy law / creditors' rights, as well as trademark and copyright prosecution, and corporate and small business law. He is co-chair of the firm's litigation group, supervising several lawyers, and he has served as an attorney for local and national clients in federal and state court litigation and arbitration matters, as well as in bankruptcy proceedings, TTAB disputes (trademark Notice of Opposition and trademark Petition to Cancel proceedings), domain name disputes (ACPA, UDRP, and URS proceedings), government contract bid protests and Tucker Act litigation, and numerous other forums and proceedings.

David Ludwig has represented manufacturing companies in complex patent infringement matters, technology companies in trademark infringement matters, and copyright holders in infringement actions against the likes of Disney and ABC. In 2012, David made new law in Virginia by successfully arguing to the Virginia Supreme Court that a prevailing homeowner is entitled to recover attorneys' fees in a claim against a Homeowners Association that has violated the provisions of its own governing documents.

David attended law school at The George Washington University Law School where he served as a student teacher of legal research and writing and an articles editor for the American Intellectual Property Law Association (AIPLA) Quarterly Journal. Prior to joining the firm, David worked for a boutique D.C. firm that specialized in litigation and legislative policy work in the areas of copyright and constitutional law.

Currently, in addition to his work with the firm, David also serves on the Board of Directors of Every Citizen Has Opportunities, Inc., a non-profit that provides comprehensive, individualized employment, vocational training, and community integration opportunities for persons with intellectual and developmental disabilities. David is a LegalZoom "Advantage" Attorney who provides LegalZoom.com visitors with insightful answers to their business-related legal questions and concerns. David is also an adjunct professor of scholarly writing at The George Washington University Law School, working with intellectual property law students that are writing scholarly articles for publication, he sits on the editorial Board of the AIPLA Quarterly Journal, and he regularly speaks and conducts seminars on internet, trademark, intellectual property, litigation, and creditors' rights issues.

