



# THOMAS DUNLAP

## PARTNER

Tom Dunlap works with clients to manage, protect and enforce their intellectual property rights in private business and government contracts. For over twenty years, his unique background has allowed him to apply legal and practical knowledge to benefit clients in business, intellectual property, and government contracts transactions and disputes. Tom routinely represents clients in transactional matters and before various state and Federal courts, arbitration (AAA, UNCITRAL, and JAMS), and tribunals, which include the GAO, ASCBA, and others (see Experience below).

His non-law background experience includes founding and selling a software gaming company, co-inventing (U.S. patents US8382987 B2 and US20140045274 A1), founding and venture funding a biotech company (Ceres Nanosciences), running a vineyard, serving on boards and commissions, and nine years in the U.S. military where he served as a Cavalry officer. In addition to prior experience in commercial banking, as a special prosecutor, serving as an Airport Commissioner (KJYO), and serving as president of the Loudoun County Bar Association, serving as special counsel appointed by the governor of Virginia, Tom currently manages the government contracts his law firm holds with the National Institutes of Health and Department of Homeland Security. Tom is both a Washington, D.C., and Virginia SuperLawyer (2016-2023, top 2.5%) and has a "Superb" AVVO rating (10.0).

## CONTACT

### Call

703-777-7319

### Email

tdunlap@dbllawyers.com

## PRACTICE AREAS

Corporate Transactions & Finance  
Intellectual Property  
Litigation & Disputes  
Regulatory & Government

## INDUSTRIES

Aerospace & Defense  
Alcohol Beverage Law  
Aviation  
Firearms  
Government Contracting  
Manufacturing  
Media & Entertainment  
Retail and Consumer Products  
Software  
Technology

## OFFICES

Leesburg, VA  
Vienna, VA  
Toronto, ON  
San Juan, PR  
London, UK



## EDUCATION

- J.D. Law, Washington & Lee University School of Law
- Summer Program, Tulane University School of Law with Antonin Scalia, Crete, Greece
- B.A. English/ Theater, Lafayette College
- Summer Program, Boston University, Semester at Sea, Woods Hole, MA
- M.S. Biotechnology, University of Maryland
- M.B.A. University of Maryland

## ADMISSIONS

- Virginia
- District of Columbia
- Maryland
- U.S. Supreme Court
- U.S. Court of Appeals Federal Circuit
- U.S. Court of Federal Claims
- U.S. Tax Court
- U.S. Court of Appeals 4th Circuit
- U.S. Court of Veteran's Appeals
- U.S. District Court Eastern District of Virginia
- U.S. District Court District of Puerto Rico

## EXPERIENCE

- Led jury trial team obtaining \$31 million in total award for willful patent infringement.
- Led jury trial team in defense of unjust enrichment, fraud, conversion, and breach of contract claims, where, despite the client starting as a defendant in the case, obtaining a \$2.6 million counter-claim verdict.
- Negotiated successful corrective actions taken by the government following bid protests filed with the GAO, including NASA, the Army Corps of Engineers, and the Department of Defense.
- Successful defense of a multi-hundred-million-dollar contract award from the Defense Health Agency (DHA), which was protested more than five times, including highly technical OCI disputes.
- Successful defense of award of GSA's One Acquisition Solution for Integrated Services (OASIS) indefinite-delivery, indefinite-quantity (IDIQ).
- Negotiated successful settlement of claims for dispute with Army Corps of Engineers in contested ASBCA matter involving overseas real property lease.
- Won six patent appellate matters in the United States Federal Circuit.
- Served as court-appointed receiver to manage and run the business of a vineyard and event venue for 16 months, pending resolution of disputes over ownership and control.
- Served as lead counsel for the amicus brief to the United States Supreme Court in the *TC Heartland* decision.
- Obtained multi-million-dollar preliminary injunctions in a patent infringement case involving national consumer products disputes and Amazon sales.
- Managed multi-million-dollar landmark multi-jurisdictional Federal copyright infringement litigation for films including *The Hurt Locker*, *The Expendables 2*, and *The Gray Man*.
- Led successful patent infringement defense of robotic fish, invalidating patent of opposing party on summary judgment.
- Led successful patent infringement case on behalf of a technology manufacturer for hostage rescue phone technology.
- Negotiated the sale of an EMR system from the University of North Carolina to a private buyer, including registration of copyrights and protection for related intellectual property.
- Negotiated multiple sales of scripts, life rights, and film distribution agreements for independent film companies.
- Successful appellate defense of appeal to Virginia Supreme Court regarding fraudulent conveyance of commercial real property.

## PUBLICATIONS

- Essentials of Intellectual Property, Virginia CLE (2018)
- Sundance TV Talks From Idea to Deal, 2016, 2017, 2018 (live studio panel)
- Determining Damages in Patent Infringement Cases: A 2017 Perspective, The Knowledge Group CLE (2017)
- Understanding and Calculating Lost Profits Damages: Things You Need to Know, The Knowledge Group CLE (2017)
- Virginia Lawyer's Deskbook – Chapter 8 – Patents, Copyright & Trademark, Virginia CLE (2013, 2015, 2018)
- The Rise of the "Footprint" Approach in Reasonable Royalty Damages: What's New in 2016, The Knowledge Group CLE (2016)
- Mastering Sports, Entertainment, & Art Law, Rossdale CLE (2014)
- IP Litigation for the Everyday Lawyer, Virginia CLE (2013)
- Intellectual Property How To – IP Jam Session – Patents, Trademarks, Copyright, and Trade Secrets, VA CLE (2014)
- Intellectual Property: The Basic Law on Copyright, Trademarks, and Trade Secrets
- Electronic Evidence in Torrent Copyright Cases, Digital Evidence and Electronic Signature Review, Pario Communications, Bedfordshire, UK (2011) (pp.171-178)
- How to IP – Basics of Filing and Protecting Trademark, Patent, and Copyright – Virginia CLE (2011)
- Online Defamation, Sports & Entertainment Law CLE, Rossdale CLE (2012)
- Mastering Sports, Entertainment, & Art Law, Rossdale CLE (2013)
- Speaking Objections, Virginia CLE (2009)



- Authentication and Admission of Electronic Evidence in State and Federal Courts, Virginia CLE (2009)
- E-Discovery: Implications, Duties and Consequences, Digital Evidence and Electronic Signature Review, Pario Communications, Bedfordshire, UK (2008) (pp.197-202)
- Electronic Signature Laws: Chapter 8: E-Sign & UETA – Electronic Signatures in the United States, Lexis-Nexis Butterworths, UK (2008)
- eDiscovery: Obtaining & Preserving Digital Evidence in Federal Court, MIS TI Europe Journal, London, UK (2007)
- Best Practices & Winning Legal Strategies for New Technology & Privacy Issues, ReedLogic, (2006)
- Intellectual Property for Small Business, SBDC (2005 – 2011)
- Avoiding Small Business Litigation, Red Eagle Publishing, (2004)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- American Bar Association, Co-Chair Copyright Litigation Committee, Commercial Litigation, (2009-2012)
- Antitrust & Intellectual Property Sections Attorney's Arbitration Services, Arbitrator/ Mediator, Panel Member (2004 – 2012)
- Standard & Poor's Vista Research – Society for Industry Leaders, Expert Panel Member (2001 – present)
- American Legion, Post 34 – Leesburg, Member (2002 – present)
- Veteran's of Foreign Wars, Post 1777 – Leesburg, VA
- Virginia State Bar Association, Litigation, Business Law & Intellectual Property Law Section Member
- Maryland State Bar Association, Intellectual Property Law Section, Membership Committee (2006 – Present)
- Loudoun County Bar Association, Past President (2004), Board Member (2003, 2005)
- American MENSA (1998 – present) and Capitol M, Member (2001-present)
- Airplane Owners and Pilots Association (Panel Attorney)
- Rotary International (2004 – present)
- Shenandoah University – NOVA Advisory Board (2002-2004)
- LoudounCares Board Member (2005-2010)
- Loudoun Community Free Clinic, Board Member (2003 – 2014)
- Leesburg Executive Airport, Commissioner (2007 – present)
- Free Mason, Olive Branch Lodge and 32nd Degree Scottish Rite, Alexandria
- Washington, D.C. Bar, Intellectual Property Section

## TEACHING ENGAGEMENTS

- Essentials of Intellectual Property, Virginia CLE (2018)
- Sundance TV Talks From Idea to Deal, 2016, 2017, 2018 (live studio panel)
- Determining Damages in Patent Infringement Cases: A 2017 Perspective, The Knowledge Group CLE (2017)
- Understanding and Calculating Lost Profits Damages: Things You Need to Know, The Knowledge Group CLE (2017)
- Virginia Lawyer's Deskbook – Chapter 8 – Patents, Copyright & Trademark, Virginia CLE (2013, 2015, 2018)
- The Rise of the "Footprint" Approach in Reasonable Royalty Damages: What's New in 2016, The Knowledge Group CLE (2016)
- Mastering Sports, Entertainment, & Art Law, Rossdale CLE (2014)
- IP Litigation for the Everyday Lawyer, Virginia CLE (2013)
- IP Jam Session – Patents, Trademarks, Copyright and Trade Secrets, VA CLE (2014)
- Copyright Litigation: Finding John Doe – Litigation Against Anonymous Infringers – American Bar Association (2012)
- How to IP – Basics of Filing and Protecting Trademark, Patent and Copyright – Virginia CLE (2011)
- IP Litigation for the Everyday Lawyer – Patent, Copyright, Trademark & Trade Secret Infringement – Virginia CLE (2012)
- Authentication of Electronic Evidence in State and Federal Courts – Virginia CLE (2009)



- Speaking Objections, How to Deal with Them, Virginia CLE (2009)
- Authentication and Admissibility of Electronic Evidence in U.S. Federal Courts, NNA International Law Conference, Los Angeles, CA (2007)
- Intellectual Property for Small Business, Small Business Development Center, SBA, 2005 – 2009
- Electronic Evidence in U.S. Federal Courts, British Institute of International Comparative Law, London, U.K. (2008)
- eDiscovery: Obtaining & Preserving Digital Evidence in Federal Court, International Conference of Digital Evidence, London, U.K. (2008)
- Aviation Regulation for General Aviation, (annual recurrent) Leesburg, VA., 2003 – 2007 (see also seminar on [www.airlinepilotcentral.com](http://www.airlinepilotcentral.com) regarding FAA violations)
- Essentials of Copyright (VA CLE)

## HONORS & AWARDS

- NOVA Top 10 Lawyers, Northern Virginia Magazine
- Top 100 Power Lawyers in Entertainment, Hollywood Reporter (2010)
- Virginia SuperLawyer, 2008 – 2009, (Rising Star), 2011-2023 (SuperLawyer)
- Washington, D.C. SuperLawyer 2013 – 2023
- Martindale-Hubbell Peer Rated
- Who's Who in American Law
- Virginia Legal & Business Elite 2012, 2013, 2016
- AVVO 10.0
- Leaders in the Law 2018



## FULL BIO

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His recent jury victories include a \$31 million patent infringement verdict (Federal Court) and a \$2.6 million copyright and contract counter-claim verdict. Tom has been counsel in multiple Federal Circuit and United States Supreme Court cases. Tom's recent publications include the Lexis' Practice Guide to Trademark Portfolio Management (2023), the 2019 Chambers Guide to U.S. Trademarks (2019), and Essentials of Intellectual Property Law (2022, Virginia CLE). Tom holds a J.D., MBA, and M.S. in biotechnology. In addition to teaching the bi-annual Virginia CLE on intellectual property to lawyers, Tom has guest-taught classes at Washington & Lee University School of Law and George Washington University.

Tom has also worked with the film industry in copyright, licensing, distribution, contract, compliance, fundraising, and clearance, including as an annual legal speaker at AMC Network's Sundance Film Festival (2016 -2020) on

SundanceTV and was selected as a Power 100 Lawyer in entertainment by the Hollywood Reporter for his work with film studios, including Voltage Productions (The Hurt Locker), Millennium Film (Expendables 2), and others. Tom has appeared in national television commercials and is an associate producer and scriptwriter for the film Assault on Wall Street (Uwe Boll, 2012).

Outside of work, Tom enjoys flying planes (licensed instrument pilot), diving (PADI Master SCUBA diver), and enjoys hanging with his family, friends, and dogs, and occasionally competing in marathons (most recently Paris in 2023) and triathlons with friends. Tom was a Division I varsity fencer (saber) in college and played rugby from high school at Ecolint in Geneva, Switzerland, through law school, and is a former silver medalist in Burmese kickboxing.

