

chapman | spingola

ATTORNEYS AT LAW

Michael Fatall

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“One of the most important skills a lawyer should develop is the ability to listen. I believe that the foundation to a successful representation is to understand my client’s goals and objectives, including how those goals and objectives may evolve over the course of the representation. I can then bring my knowledge and experience to bear in order to help achieve successful, strategic, creative and practical resolutions.”

I focus my practice on intellectual property and commercial transactions and counseling as well as trademark and copyright filing and prosecution.

I have represented clients in the following industries:

- Financial services, including securities and equities trading and investing;
- Renewable chemicals;
- Alternative energies, specifically wind power;
- Online entertainment, including multi-player role-player games;
- Software development and licensing;
- Information technology;
- Travel and touring;
- Education;
- Insurance/insurance agencies;
- Automotive component manufacturing;
- Logistics;
- Professional sports;
- Brand name furniture manufacturing; and
- Music, movies and other forms of media and entertainment.

I have handled domestic and international intellectual property and technology licensing transactions, and negotiated research and development agreements, software development, licensing, distribution and reseller agreements, supply, distribution, manufacturing and a variety of services agreements. I also have handled intellectual property aspects of multi-million and billion dollar corporate transactions, including mergers, acquisitions, private equity and venture capital and credit facilities.

I have counseled clients concerning legal issues in all aspects of intellectual property law (trademark, copyright, trade secret, patent and rights of publicity) and intellectual property issues in bankruptcy, franchise and antitrust.

I have also litigated intellectual property and commercial cases (including mediation and arbitration) at the local and national level.

MY TRANSACTIONAL EXPERIENCE

- Representing large financial services institution in negotiating a variety of commercial agreements relating to the client's business.
- Representing Illinois-based developer and manufacturer of renewable materials in negotiating commercial and technical agreements.
- Represented start-up online fantasy role playing company in connection with all aspects of client's trademark, copyright, intellectual property protection and licensing program.
- Represented Washington-based manufacturer of wind turbine blade access platforms in negotiation of manufacturing and services agreement with an international wind energy provider. This arrangement provided the client with a critical business opportunity to raise its profile in a rapidly growing industry.
- Represented licensee of rights to the distribution of a lucrative and well-known children's animated movie series, in its efforts to retain the ability to continue its licensing and distribution activities despite the licensor's bankruptcy.
- Represented to nationally-known furniture manufacturer in trademark license agreement in connection with several well-known retail brand names including Nautica, Woolrich, Liz Claiborne and Tommy Bahama.
- Represented global leader in automotive interior components, systems and modules in series of international patent and technology licenses in connection with separation of client's U.S. and European businesses
- Represented licensor of key commercial truck pedal technology in negotiation of patent and know-how licensing agreements.
- Represented licensee of bathroom fixture technology in negotiation of patent and know-how licensing agreement in connection with client's acquisition of well-known bathroom fixtures brands.
- Represented licensor/owner of several well-known foodservice and retail pasta brands in negotiation of trademark license and distribution agreement for rights throughout United States.
- Handled all aspects of the intellectual property aspects of Fortune 100 insurance/lending giant's bankruptcy administration which included the negotiation of numerous trademark, software and IT license agreements.
- Handled of all aspects of international real estate investment trust's international trademark and domain name portfolio, including monitoring for potential infringements and drafting and negotiating resolutions of such disputes.

MY LITIGATION EXPERIENCE

- Represented provider of capital to insurance agencies in arbitration asserting breaches of representation, warranties and covenants in purchase agreement involving \$50 million funded acquisition of commission streams and investment in new insurance agency.

- Obtained favorable confidential settlement through mediation of complex limited liability company and real estate development dispute.
- Defended and successfully mediated legal malpractice disputes on behalf of plaintiffs and defendants.
- Defended commercial storage and shelving systems manufacturer accused of willfully infringing an alleged patent covering technology for cutting rolled carpet.
- Represented the National Hockey League Players' Association in annual salary arbitrations.

PRO BONO ACTIVITIES

I have devoted my time to working on various human rights issues, including representing clients in political asylum and immigration matters.

Specifically, I have obtained asylum protection for individuals and their families and have assisted in these individuals' ongoing efforts to become U.S. citizens. I have also assisted victims of human trafficking who have come forward to cooperate in the prosecution of their traffickers in obtaining visas to stay in the United States.

ARTICLES AND PUBLICATIONS

- "Assignability of IP Licenses: Is Silence Really Golden," 3:2 HASTINGS LAW JOURNAL 197 (Spring 2007)
- "Security Interests In Intellectual Property," 19th Annual Computer & Information Law Institute, Dallas Texas (October, 2004)
- "After the Fall: What Happens to IP Licenses During Bankruptcy," *IP Worldwide*, (August 2002)
- "Assignability of IP Licenses in Bankruptcy: Navigating the Murky Waters of Section 365," *ABA Intellectual Property Law Newsletter*, (Fall 2002)

SPEECHES

I have spoken frequently on wide-ranging matters relating to intellectual property and technology at the Kirkland Institute of Corporate Practice and other seminars sponsored by Kirkland & Ellis LLP. I have also presented to the Chicago Bar Association on issues concerning exclusive patent licensee's right to sue.

EDUCATION

- J.D. from Northwestern University School of Law; Dean's Honors List; Julius Miner Moot Court Competition Quarter-finalist; Co-Chair of the Julius Miner Moot Court Board Judge's Committee
- Undergraduate degree from the University of Kansas

INTERESTS

I am a member of the board of directors of A Red Orchid Theatre, located in the Old Town Neighborhood of Chicago. I am also an avid drummer.