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#### AREAS OF PRACTICE

- Employment Law
- Fair Housing and Public Accommodation
- Intellectual Property and Information Technology
- Litigation
- Local Counsel - Virginia

#### RECENT BLOG POSTS

- Am I Free From My Noncompete? Not So Fast!
- COVID-19 and the Americans with Disabilities Act
- Ongoing Employment Law Developments Related to COVID-19
- Emergency Paid Sick Leave and Other Employment Issues Related to COVID-19
- The #MeToo Movement: 3 Policies Employers Should (Re)-Consider

## John M. Erbach

### ATTORNEY, SHAREHOLDER

John Erbach represents a wide variety of business entities and individuals in complex business and commercial litigation, including intellectual property litigation, employment disputes, defense of consumer protection claims, and other complex commercial litigation. As an additional part of his practice, John regularly serves as outside general counsel to small and medium-sized businesses, counseling on employment compliance matters, employment policies, employee handbooks, dispute resolution, commercial disputes, and insurance coverage matters. John regularly litigates cases in state and federal court, as well as arbitration, having taken a number of cases to successful verdicts upon trial.

Earlier in his career, John had the honor of serving as law clerk to three federal judges in Richmond, Virginia, including the Honorable Henry E. Hudson, U.S. District Judge for the Eastern District of Virginia; the Honorable Dennis W. Dohnal, U.S. Magistrate Judge; and, the Honorable David J. Novak, U.S. Magistrate Judge (now a U.S. District Judge). John regularly serves as local counsel for national and international law firms that have matters pending in the United States District Court for the Eastern District of Virginia.

In 2015, John was elected to represent the Dale District of Chesterfield County, Virginia, on the county's School Board. The School Board sets policy for the school system, makes key hiring decisions for an 8,000-employee organization, and oversees the school system's budget and capital improvement projects. John also served as the Board's vice chairman and chairman in 2017 and 2018, respectively. He declined to seek a second term and concluded his service after one four-year term. This experience has given John perspective as a client served by other lawyers—an experience invaluable to business clients often facing similar employment and operational issues to that of a large school system.

### EDUCATION

- University of Richmond, T.C. Williams School of Law (J.D., *magna cum laude*, 2008)
- The College of William and Mary (B.S., Psychology, 2005)

### BAR ADMISSIONS

- Virginia
- U.S. District Court Eastern District of Virginia
- U.S. District Court Western District of Virginia
- U.S. Bankruptcy Court Eastern District of Virginia
- U.S. Court of Appeals 4th Circuit

### CLERKSHIPS

- Law Clerk, U.S. District Court Judge Henry E. Hudson, 2012-2013
- Law Clerk, U.S. Magistrate Judge David J. Novak, 2012
- Law Clerk, U.S. Magistrate Judge Dennis W. Dohnal, 2010-2012

### REPRESENTATIVE EXPERIENCE

- Represented major biotechnology company as co-counsel in patent infringement suit involving COVID vaccine, including handling damages portion of the case and leading discovery disputes, resulting in \$740 million settlement.
- Represented franchisee in dispute over alleged trade secrets and noncompetition agreements
- Represented major university as local counsel in patent infringement suit involving anti-virus software
- Successfully tried multiple cases in federal court involving intellectual property, employment, and business tort matters
- Handled numerous employment litigation matters
- Represented start-up in patent infringement lawsuit against a major Fortune 500 company
- Defended banks, lenders and credit bureaus in series of consumer protection claims, including federal class actions
- Represented major U.S. retailer as local trademark litigation counsel

### REPRESENTATIVE CASES

- BioNTech SE v. CureVac SE, No. 2:23cv222, 2025 U.S. Dist. LEXIS 5513 (E.D. Va. Jan. 10, 2025)
- Pool Scouts Franchising, LLC v. Stuart Rd. Corp., No. 2:24cv239, 2025 U.S. Dist. LEXIS 61422 (E.D. Va. March 31, 2025).
- Trs. Of Colum. Univ. v. NortonLifeLock, Inc., 580 F. Supp. 3d 236 (E.D. Va. 2022)

- Geoscope Techs. Pte. Ltd. v. Apple Inc., No. 1:22cv1373, 2023 U.S. Dist. LEXIS 124876 (E.D. Va. July 19, 2023)
- E. Claiborne Robins Co. v. Teva Pharm. Indus., No. 3:18cv827, 2019 U.S. Dist. LEXIS 160489 (Sept. 18, 2019)
- CSX Transp., Inc. v. Norfolk S. Ry. Co., No. 2:18cv530, 2019 U.S. Dist. LEXIS 161339 (E.D. Va. Sept. 9, 2019)
- GlobalOne Mgmt. Group Ltd. v. Tempus Applied Sols., LLC, No. 4:18cv59, 2018 U.S. Dist. LEXIS 207301 (E.D. Va. Dec. 7, 2018)
- GGC Assocs., LLC v. Hamner et al., No. 3:17cv402, 2018 U.S. Dist. LEXIS 132610 (E.D. Va. Aug. 6, 2018)
- Docs Billing Solns., LLC v. GENETWORx LLC, No. 2018 U.S. Dist. LEXIS 157480 (E.D. Va. Aug. 30, 2018)
- Berman v. Davidson Media Va. Stations, LLC, No. 3:15cv299, 2016 U.S. Dist. LEXIS 23945 (E.D. Va. Feb. 26, 2016)
- Orbital Austl. PTY Ltd. v. Daimler AG, No. 3:14cv808, 2015 U.S. Dist. LEXIS 86631 (E.D. Va. July 1, 2015)
- StarTrak Info. Techs., LLC v. Mark-It Servs., No. 3:14cv384, 2014 U.S. Dist. LEXIS 125926 (E.D. Va. Sept. 9, 2014)
- Corning Optical Communs. Wireless Ltd. v. Solid, Inc., No. 3:14cv367, 2014 U.S. Dist. LEXIS 114876 (E.D. Va. Aug. 18, 2014)
- Jellenek v. Joseph, No. 3:14cv230, 2014 U.S. Dist. LEXIS 88056 (E.D. Va. June 26, 2014)
- buySAFE, Inc. v. Google, Inc., 2014 U.S. Dist. LEXIS 83139 (E.D. Va. June 16, 2014)
- Global Tel\*Link Co. v. Securus Techs., Inc., 2014 U.S. Dist. LEXIS 28773 (E.D. Va. Mar. 5, 2014)

## PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Virginia State Bar
- Virginia Bar Association
  - Civil Litigation Section
  - Labor Relations and Employment Law Section
- Federal Bar Association
  - Treasurer, Richmond Chapter
  - National Representative
  - Federal Litigation Section
  - Intellectual Property and Communications Law Section
- Fourth Circuit Judicial Conference (permanent member)
- American Intellectual Property Law Association
  - Member of the Patent Litigation Committee
- Chesterfield County Bar Association

## CLASSES/SEMINARS TAUGHT

- Federal Bar Association Introduction to the Federal Courthouse Program, CLE faculty on Civil Discovery and Motions Practice 2024
- Faculty member of Virginia State Bar Harry L. Carrico Professionalism Course
- School Law: COVID-19, First Amendment, and Non-Discrimination, Virginia CLE Online Seminar, November 9, 2020. Served as faculty member and moderator for seminar.
- Patent Litigation from the Law Clerks' Perspective: Insights on New Patent Rules and Successful Litigation Strategies, NY Intellectual Property Law Association, October 15, 2014.

## HONORS AND AWARDS

- *Best Lawyers in America* Commercial Litigation, Litigation: Intellectual Property, and Litigation: Labor and Employment 2026
- *Best Lawyers in America: Ones to Watch* for Commercial Litigation, Litigation: Intellectual Property and Litigation: Labor and Employment, 2024-2025
- *Virginia Business* magazine's Legal Elite 2022, 2024 for Civil Litigation
- *Virginia Business* magazine's Legal Elite 2023, 2025 for Intellectual Property
- *Virginia Super Lawyers* 2019-2025 for Business Litigation
- *Virginia Super Lawyers* Rising Stars 2016-2017 for Civil Litigation: Defense
- *Virginia Super Lawyers* Rising Stars 2018 for Business Litigation
- CALI Excellence for the Future awards in Civil Procedure, Advanced Trial Advocacy, and Copyright Law

## COMMUNITY INVOLVEMENT

- Chesterfield County School Board, Representing the Dale District
- Board Member, Chesterfield Education Foundation

## PAST EMPLOYMENT POSITIONS

- Associate, Williams Mullen, P.C., 2008-2010

## PUBLICATIONS

- COVID-19 and the Americans with Disabilities Act
- Ongoing Employment Law Developments Related to COVID-19
- Emergency Paid Sick Leave and Other Employment Issues Related to COVID-19
- The #MeToo Movement: 3 Policies Employers Should (Re)-Consider
- #MeToo: What Employers Should Know to Prevent Liability
- Dos and Don'ts in Using Background Checks in Employment Decisions
- Supreme Court Declines to Hear Sexual Orientation Discrimination Case
- "Duke Rules Package" Implementation: Revisions to the Federal Rules of Civil Procedure Four Months Later
- Why Businesses May Like the "Duke Rules Package" Part 4 of 4: The Outcome
- Why Businesses May Like the "Duke Rules Package" Part 3 of 4: A National "Rocket Docket?"
- Why Businesses May Like the "Duke Rules Package": Clear Consequences for ESI Destruction
- Why Businesses May Like the "Duke Rules Package"
- Can You Keep a Secret? The Quiet Pursuit of a Federal Trade Secret Regime
- Small Businesses Remain Targets of Immigration and Customs Enforcement
- Patent Law Continues to Unite an Otherwise Divided Supreme Court
- Government (EEOC) Must Pay Company's Attorneys' Fees After Delay, Unreasonable Lawsuit
- Virginia to Address Patent Litigation Abuse
- Active Clients Benefit Greatly from Court-Ordered Settlement Conferences

#### OFF THE CLOCK

In his spare time, John enjoys spending time with his wife and four children. He is also an avid outdoorsman, angler, and hunter.