

J. Michael Keyes

Partner

keyes.mike@dorsey.com

Seattle – 206.903.8757

Palo Alto – 650.843.2759



Mike is a seasoned first chair IP litigation trial attorney, a consulting and testifying consumer survey expert, and a recognized thought leader on cutting-edge issues involving trademarks, copyrights, and advertising.

IP Litigation Trial Practice

Mike Keyes is a “go to” intellectual property trial attorney with a vast reservoir of experience in cases involving trademarks, copyrights, and false advertising, including individual consumer and class action claims. Mike and his team have represented some of the world’s most recognized brands and companies in high-stakes litigation in numerous federal courts across the country including Washington, Oregon, California, Colorado, Minnesota, Illinois, New York, Massachusetts, Utah, and Florida. These disputes have encompassed a wide array of subject matters including medical diagnostics software, online games and apps, Google Ads, social media, e-books, consumer products, food and beverage, fashion, sports equipment, educational testing tools, and hospitality services.

Mike has served as lead or co-lead trial counsel in several high-profile IP cases. He was trial counsel in Chicago federal court for Kraft Foods in a highly publicized false advertising trial featured on ABC’s *Good Morning America* and covered by the likes of *The Chicago Tribune* and *The New York Times*. He represented Abercrombie & Fitch in a closely watched case in California federal court brought by Levi Strauss & Co. involving claims of unfair competition, trademark infringement, and dilution. The jury returned a unanimous verdict in favor of Abercrombie & Fitch on all claims. The case was profiled in the *Daily Journal*—California’s largest legal publication—as one of the Top 10 “Defense Wins” in California that year. Some of Mike’s other successes as lead trial counsel include obtaining final judgments and permanent injunctions on behalf of several clients including: a national hospitality chain, a consumer products company selling the No. 1 toy on Amazon.com, and the creator of Angry Birds.

Education

- University of Connecticut (M.S., Survey Research & Data Analysis, 2023)
- Gonzaga University School of Law (J.D., 1998)
 - *magna cum laude*; Best Oralist, National Moot Court Competition, Regional Finals 1997; Associate Editor *Law Review* 1997-1998
- Columbia Law School (LL.M., 1999)
 - Harlan Fiske Stone Scholar
- Loyola University, New Orleans (B.M., Piano Performance, 1993)
- Tbilisi State Conservatoire, Former Soviet Republic of Georgia
 - Graduate Piano Student, 1993-1994

His intellectual property clients have also included the likes of Hall of Fame Major League Slugger George Brett, Facebook, Foot Locker, Beats Electronics, LLC (Beats by Dr. Dre), TikTok, Viacom, Corona Beer, Target, Helly Hansen, the North Face, the Mayo Clinic, the University of Minnesota, Del Monte, and Carmex.

Consumer Survey Expert Practice

In addition to his extensive trial work, Mike is also a consulting and testifying consumer survey expert and leads Dorsey's Consumer Insights Group. Mike brings a truly unique value proposition to his work as an expert. Not only does he have an advanced degree in Survey Research & Data Analysis, but he also has over two decades of practical experience as a trial lawyer in drafting and analyzing consumer surveys, as well as collaborating with, deposing, and cross-examining survey experts. Mike understands the critical importance of this type of evidence in litigation and excels at making it relatable and understandable to judges and juries.

Mike is a leading voice on consumer survey evidence, regularly presenting at national conferences and events hosted by the ABA, AIPLA, PLI, Strafford, and AAPOR (the American Association for Public Opinion Research). He publishes frequently on the topic of consumer surveys and maintains an active following on LinkedIn where hundreds of lawyers and survey experts alike subscribe to his publication Lanham Act Surveys for Lawyers. He also imparts his survey expertise to law students at the University of Washington Law School, where he serves as an affiliate instructor, teaching Advanced Trademark Law and IP Litigation Strategies. His insights on survey research have also been shared with students and faculty at esteemed law school institutions including the University of Notre Dame, Franklin Pierce Law Center, and Gonzaga University.

Mike is a certified mediator, an ADR panelist for the U.S. District Court for the Western District of Washington, a registered ADR panelist with the AIPLA, and was recently invited to join the WIPO Arbitration and Mediation Center's ADR panel.

Lastly, Mike served on Dorsey's Management Committee from 2019-2023 where he was the global head of Dorsey's trial group.

Select Experience

Intellectual Property

- *Scotts v. Procter & Gamble*, U.S. District Court for the Southern District of Ohio, (2024) (Cole, J.). Lead counsel defending Procter & Gamble against claims for infringement of Scotts' Miracle-Gro trade dress. Scotts' motion for preliminary injunction was denied.
- *Grecco v. TikTok, Inc.* U.S. District Court for the Central District of California, (2024) (Aenlle-Rocha, J.). Representing TikTok against claims of copyright infringement.
- *ICVA v. Anive*, U.S. District Court for the Central District of California, (2024) (Staton, J.). Obtained preliminary injunction against Defendants' copying and inputting into artificial intelligence large language models standardized test for

Bar Admissions

- California
- New York
- Washington

veterinary licensure.

- Represented seller in the sale of one of the most popular user-created islands in Fortnite, one of the largest online multiplayer battle royale games in the video gaming sector, to a large video game developer headquartered in Europe.

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central, Northern, Eastern, and Southern Districts of California
- U.S. District Court for the Eastern and Western Districts of Washington
- U.S. District Court for the Northern and Southern Districts of New York
- U.S. District Court for the District of Idaho
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of Wisconsin

Professional Affiliations

- Trustee of the King County Bar Foundation, 2018-present
- Member, Law360 Intellectual Property Editorial Advisory Board, 2017 and 2018
- Co-Chair, ABA Copyright Litigation Committee, 2006-2008
- Washington State Bar Association IP Section, Chair, 2006; Chair-elect, 2005; Secretary-Treasurer, 2004
- Co-founder, Spokane County Bar Association IP Section, 2003
- Coach of National Appellate Advocacy Competition Team, Gonzaga University School of Law
- Adjunct Professor of Law, "Internet and the Law," "Trademark Law," and "Legal Research & Writing," Gonzaga University School of Law
- Member, Copyright Society of the USA
- Member, Supreme Court Historical Society

Clerkships

- Washington Supreme Court, Honorable Chief Justice Gerry L. Alexander, 1999–2000

Charitable & Civic Involvement

- Past Chair, Gonzaga Prep High School Board of Directors
- Trustee, King County Bar Association Foundation
- Guest Lecturer, University of Washington School of Law
- Volunteer supervising attorney, University of Washington Entrepreneurial Law Clinic
- Volunteer Pianist, Sacred Heart Parish
- Volunteer Pianist, Compass Room & Rooftop
- Past Board Member, Holy Names Music Center

Accolades

- *Chambers USA*, Intellectual Property: Trademark, Copyright & Trade Secrets,

Washington, 2026

- *Best Lawyers in America*®, Advertising Law, Commercial Litigation, Copyright Law, Intellectual Property Litigation, Patent Litigation, Patent Law, Trademark Law, Seattle, 2013-2026
- *Best Lawyers*® *Lawyer of the Year*, Trademark Law, 2025
- *World Trademark Review 1000 – The World's Leading Trademark Professionals*, Leading Practitioner, 2017-2026
- *Washington Super Lawyers*®, 2014-2026
- *Managing IP*, "IP STAR," 2016-2025
- *Washington Super Lawyers*®, "Top 100," 2021
- JD Supra Readers' Choice Awards, "Top Author," 2017
- *Washington Super Lawyers*®, "Rising Stars," 2006-2008, 2011

Select Presentations

- Panelist, "*Daubert*-Proofing Your Survey," AIPLA, On-Line Webinar, July 2022
- Panelist, "Making the Case With Tweets, Snaps and Facebook Posts," Federal Bar Association, Eastern District Conference and CLE, September 2018
- Presenter, "2018 Global Law Innovation Summit"—Recent Cases & Controversies Under the Digital Millennium Copyright Act, the University of Washington School of Law, July 2018
- Presenter, "Monkey, Music, and Much, Much More!—A Copyright Law Update," King County Bar Association IP Section, Seattle, WA, June 2018
- Presenter, "Extraterritorial Applications of the Lanham Act," California Lawyers Association, June 2018
- Moderator, "New Frontiers in Branding," The New Music Ecosystem sponsored by the University of Washington School of Law, May 2018
- Panelist, Law Seminars International, "Consumer Protection: The Challenge of Achieving Regulation Compliance and Meeting Customer Expectations," December 1, 2017
- Presenter, American Bar Association Intellectual Property Law Books Webinar Series: "Copyright Litigation Strategies: From Soup to Nuts," September 19, 2017
- Presenter, 43rd Annual ICLE Intellectual Property Law Institute on Mackinac Island, MI, July 2017
- Presenter, International Trademark Association Meeting, "#TalkingIP: Optimizing Publishing Opportunities and Digital Platforms - INTA and Beyond," May 21, 2017
- Presenter, IP Section of the King County Bar Association, "From Pom-Poms to Rockstars: The Latest and Greatest Copyright Hits," May 2017
- Panelist, American Bar Association Intellectual Property Spring Conference, "Copyright at a Gallop," April 2017
- Moderator, Copyright Society of the USA CLE, "*Other People's Footage: Copyright and Fair Use*," February 2017
- Presenter, International Trademark Association Annual Meeting, "Monetary Remedies in Trademark Cases," May 2016
- Presenter, Washington State Bar Association IP Institute, "Copyright Case Law, the Year in Review," March 2016
- Panelist, American Bar Association sponsored webinar, "Designing Effective Consumer Surveys in Trademark Infringement and False Advertising Disputes,"

November 2015

- Co-Presenter with Dorsey & Whitney partner Sandy Edelman, Practicing Law Institute, “Designing Effective Consumer Surveys in Trademark Infringement and False Advertising Disputes,” July 2015
- Panelist, American Bar Association Technology Symposium, “One Problem: Reconciling Advice of Employment, Intellectual Property, and Other Counsel,” March 2015
- Presenter, Washington State Bar Association IP Institute, “Design and Use of Consumer Surveys in Lanham Act Cases—Recent Developments,” March 2014
- Presenter, Practicing Law Institute, “Fundamentals of Copyright Law in the Data Era,” July 2013
- Presenter, American Intellectual Property Law Association 2013 Spring Meeting, “Use of Non-Patent Literature During Patent Examination—Fair or Infringing?,” May 2013
- Presenter, Practicing Law Institute, “Understanding Copyright in the Data Era,” July 2012
- Presenter, Practicing Law Institute, University of Chicago, “Copyright Enforcement in the Data Era,” June 2012
- Panelist, American Bar Association Intellectual Property Spring Conference, “Trollings, Take Downs, and Transfers: An Audiovisual Odyssey Through The World of Copyright,” March 2012
- Presenter, Practicing Law Institute, “Understanding Copyright in the Data Era,” July 2011
- Presenter, Practicing Law Institute, “Copyright Litigation,” July 2010
- Panelist, American Bar Association Intellectual Property Law Spring Conference, “Of Courts and Copyists: The Year in Review,” April 2010
- Panelist, American Bar Association Intellectual Property Law Spring Conference, “The Year in Copyright,” April 2009
- Presenter, American Intellectual Property Law Association, “Recoveries in IP Litigation: Hotspots and Trends in Copyright, Trademark, and Patent Damages,” Webinar, April 2009
- CLE Co-Chair, Intellectual Property Institute, Washington State Bar Association, featuring U.S. Court of Appeals for the 9th Circuit Chief Judge, The Hon. Alex Kozinski, October 2008
- Presenter, American Bar Association Intellectual Property Law Spring Conference, “An Audiovisual Tour Through The Year in Copyright,” April 2008
- Panelist, American Intellectual Property Law Association 2008 Mid-Winter Institute, “A Survey of Licensing Strategies One Year After MedImmune,” January 2008
- Presenter, Washington State Bar Association Corporate Counsel Institute, “Trademark Law For General Counsel,” October 2007
- Panelist, American Bar Association Intellectual Property Law Spring Conference, “Copyright in the Courts: Issues of First Impression,” April 2007
- CLE Co-Chair, Intellectual Property Institute, Washington State Bar Association, March 2007
- Presenter, “Copyright Law For The IP Attorney,” Idaho State Bar Association Intellectual Property Section, November 2006
- CLE Chair, “Intellectual Property Developments: Litigation, Machination & Reformation,” Washington State Bar Association, September 2006
- Presenter, “Spyware Resolution Debate,” ABA Intellectual Property Annual Meeting, 2006
- Presenter, “Copyright & The World of Music,” Washington State Music Teachers

Association Leadership Conference, 2005

- Presenter, “Top Ten Trademark Tips,” Coeur d’ Alene Chamber of Commerce, 2005
- Co-Presenter, “Protecting Your Artistic Creations in the Digital Age,” 2005
- Co-Presenter, “Pitfalls for the Unwary: Recognition, Protection & Enforcement of IP Rights,” Emerald Education Group, 2004
- Presenter, “Copyright Law & The World of Advertising,” Great Falls Advertising Federation, 2004

The TMCA

June 8, 2026

Dorsey Takes London: Highlights from the INTA Annual Meeting

February 3, 2025

Jack Daniel's Remand, Part I: Why Did the Trial Court Give "Little Weight" to a Consumer Survey Showing 29% Confusion?, Op. 1, No. 45

April 4, 2022

In-N-Out Trade Dress Dispute Part III: To Squirt, or Not to Squirt?

March 28, 2022

In-N-Out Burger Trade Dress Dispute Part II: Where's The Beef?

March 21, 2022

In-N-Out Trade Dress Dispute: Court Finds Alleged Flaws in Survey Evidence a "Nothing Burger"

December 14, 2021

Faulty Universe and Suggestive Stimuli Doom Admissibility of Consumer Survey Evidence

August 3, 2021

The Other Shoe Drops: Court Boots Doc Martens' Legal Expert in Trade Dress Donnybrook

July 22, 2021

Doc Martens Gives the Boot to Likelihood of Confusion Expert in Trade Dress Dust-Up

June 29, 2021

Scantly Clad Survey Gets Bounced Out in Strip Club Scuffle

April 2, 2021

Don't Go Rogue in Proving Up Consumer Deception

February 9, 2021

Down the Hatch: Jägermeister Douses Impaired Survey Evidence in Trademark Victory

February 4, 2021

Graham Cracker Caper or Class Action Case? Consumer Survey Evidence May Tell Us

August 19, 2020

Tiffany & Co. Jury Verdict Against Costco Loses All Its Luster

April 3, 2020

Copyrights & Coronavirus: The Copyright Register Steps Into the Breach

August 23, 2019

Tom Brady Gets Sacked at the USPTO

Insights

December 10, 2025

Eveready Vs. Squirt: How Trademark Surveys Fare In 9th Circ.

September 26, 2025

How AI is Reshaping US Copyright Law

February 8, 2024

Consumer Surveys – Separating Pseudo Science from Admissible Evidence

September 6, 2023

The Jack Daniel's consumer survey: is it a veto over mockery?

June 14, 2023

What Jack Daniel's High Court Ruling Means For Parody

June 13, 2023

Dorsey Partner Mike Keyes Comments on SCOTUS Ruling in Trademark Case

June 8, 2023

Dorsey Partner Mike Keyes Discusses Supreme Court Ruling in Favor of Jack Daniel's in Trademark Dispute Over Dog Toy

June 8, 2023

Dorsey Partner Mike Keyes on the Significance of Supreme Court's Decision in

Jack Daniel's Trademark Case

February 14, 2023

Surveys Are Like Shoes: One Size Does NOT Fit All!

May/June 2022

In-N-Out Burger Trade Dress Dispute: A Supersized Lesson in Consumer Survey Evidence

July 2, 2021

Mike Keyes Discusses SCOTUS Ruling on Student-Athletes Compensation

April 5, 2021

Dorsey Partner Mike Keyes Remarks on Google v. Oracle Ruling

October 7, 2020

Dorsey Partner Mike Keyes Comments on SCOTUS Hearing Oracle, Google Arguments

July 21, 2020

Dorsey Partner Mike Keyes Comments on Top Copyright Decisions

March 23, 2020

Dorsey Partner Mike Keyes Comments on States Immune From Copyright Claims