

Erica W. Stump, Esq.

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PROFESSIONAL EXPERIENCE

ERICA W. STUMP, P.A., Fort Lauderdale, Florida

President/Attorney, April 2011 – Present

- Own, operate and run law firm consisting of a trademark paralegal and of counsel patent prosecutor;
- Draft and negotiate intellectual property agreements, such as licenses, franchise agreements, royalty agreements, and assignments;
- Engage in commercial and intellectual property federal and state litigation matters, such as obtaining and defending injunctions and temporary restraining orders, taking depositions, attending hearings, and conducting discovery and pre-litigation work, such as drafting and responding to cease and desist matters;
- Manage and analyze complex intellectual property issues and disputes, including trademark, trade dress infringement, and patent infringement, dilution, cybersquatting, domain name disputes, domain name procurement, copyright infringement, non-compete, false advertising, labeling, trade secret, unfair competition, and non-competes;
- Search, clear, and manage trademark portfolios, including filing and prosecution of U.S. and foreign trademarks;
- Litigate disputes and *ex parte* appeals before the Trademark Trial and Appeal Board (“TTAB”);
- Conduct and manage trademark surveys;
- Search and analyze U.S. and foreign patent issues and assist in drafting of patent applications;
- File U.S. copyrights;
- Advise companies on protection of intellectual property, such as intellectual property holding companies and oversee formation of same and assignment of intellectual property;
- Review labels, websites, and marketing materials for compliance with U.S. Code and state statutes, rules and regulations of the Federal Trade Commission (“FTC”) and the Food and Drug Administration (“FDA”), including the Dietary Supplement Health and Education Act of 1994 (“DSHEA”) and California’s Proposition 65;
- Engage in federal district court and appellate litigation related to compliance with DSHEA and the advertising rules of the FTC;
- Work with scientists and medical doctors to analyze ingredients and products for FDCA compliance, such as DSHEA and Generally Recognized as Safe (“GRAS”);
- Participate in New Dietary Ingredient (“NDI”) filings and self-affirmed GRAS research;
- Review and draft practices and Standard Operating Procedures for compliance with DSHEA and current Good Manufacturing Practices (“GMPs”), 21 C.F.R. Parts 110 and 111;
- Manage clinical trials;
- Draft and negotiate business agreements, such as confidentiality, distributor, manufacturer, supply, clinical trials, endorsement, athlete, sponsorship, operating agreements, and business formation;
- Draft and negotiate work related agreements, such as employment and independent contractor agreements;
- Advise start-up companies on business matters such as insurance procurement, operating procedures, and legal entity formation.

BODYBUILDING.COM, Meridian, Idaho

General Counsel, April 2010 – April 2011

- Draft, negotiate and manage all company agreements, such as those relating to vendor agreements, manufacturing, distributor, athlete, employment, supply, exclusivity, master services agreements, statements of work, leases, intellectual property licenses, purchase orders, and invoices;
- Participate in compliance with U.S. Code and state statutes, rules and regulations of the FTC and FDA;
- Create and implement Standard Operating Procedures; ensure compliance with GMPs;
- Manage and supervise review of labels and website for compliance with the FDCA, DSHEA, and California’s Proposition 65;

- Manage and supervise review of website for compliance with FTC rules and regulations;
- Manage, analyze, and supervise federal and state litigation matters, administrative matters, regulatory issues, business disputes, employments matters, workers compensation matters, products liability claims, intellectual property disputes, and insurance coverage disputes;
- Analyze and research issues, including state income tax and substantial nexus issue;
- Procure and analyze insurance and manage coverage disputes;
- Create and implement corporate policies;
- Send and respond to cease and desist letters related to intellectual property and products liability issues;
- Manage outside counsel and internal legal department;
- Interface and provide counsel to all departments;
- Draft sweepstakes and contest rules;
- Manage U.S. and foreign trademark portfolio.

VITAL PHARMACEUTICALS, INC. D/B/A VPX/REDLINE, Davie, Florida

General Counsel, March 2007 – August 2009, *Outside Legal Counsel*, August 2009 – present

- File and prosecute entire portfolio of U.S. and foreign trademarks comprised of: (1) prosecution of over three hundred (300) active U.S. trademarks; and (2) trademarks pending in over eighty (80) countries filed via the Madrid Protocol, Community Trademark, and foreign associates in non-Madrid Protocol, including issues of likelihood of confusion, genericness, descriptiveness, and acquired distinctiveness both in the U.S. and in other countries;
- Managed established network of foreign associates, including management of trademarks and research regarding requirements and compliance for sale of product world-wide;
- Conduct all company *inter partes* proceedings and ex parte appeals before the TTAB;
- Perform and analyze full trademark and knock out searches;
- Actively manage outside counsel in all patent matters, including prior art searches, infringement and validity opinions, filing patent applications and prosecution decisions;
- File and prosecute copyrights;
- Draft, negotiate and manage all company agreements, such as those relating to intellectual property licensing, assignments, employment, manufacturing, distributor, supply, exclusivity, purchase orders, invoices, athlete and clinical studies;
- Actively participate in all federal and state litigation matters, such as obtaining and defending injunctions and temporary restraining orders, taking depositions, attending hearings, conducting discovery relating to trademark infringement, non-compete agreements, and business disputes;
- Manage, analyze, and participate in decision making process regarding litigation, business issues and disputes, including domain name disputes, domain name procurement, copyright infringement, non compete, advertising, labeling, unfair competition, patent infringement, trademark, and trade dress infringement;
- Establish procedures and compliance with the rules and regulations of the FDA, DSHEA, FTC, GMPs, National Advertising Division, and various state laws related to dietary supplements, foods, and beverages.

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida

***Professor of Trademark Law*, Spring Semesters, 2005 and 2006**

- Create and teach trademark law class with a focus on acquisition of rights, prosecution, clearance searches, infringement, litigation, injunctions, damages, and practical tips.

FELDMAN GALE, P.A., Miami, Florida

***Intellectual Property Associate*, May 2002 – December 2006**

- Manage trademark prosecution department, including supervision of three trademark paralegals;
- File and prosecute trademarks, including issues of likelihood of confusion, descriptiveness, genericness, and 2(f) acquired distinctiveness submissions;

- Manage numerous mid-sized companies' entire trademark portfolios;
- Conduct and managed surveys;
- Litigate *inter partes* proceedings and ex parte appeals before the TTAB;
- File and prosecute copyrights;
- Conduct research regarding all aspects of trademark, copyright, patent, domain name, unfair competition, non compete issues, and business disputes;
- Research, analyze, and set up intellectual property holding companies;
- Draft intellectual property agreements, including assignments and licenses;
- Litigate commercial and intellectual property disputes in state and federal court, including preliminary injunctions, temporary restraining orders, discovery, depositions, hearings, and appeals.

BROAD & CASSEL, P.A., Miami, Florida

Intellectual Property Associate & Law Clerk, October 1999 – April 2002

- File and prosecute trademarks and copyrights;
- Litigate commercial and intellectual property disputes in state and federal courts, including preliminary injunctions, discovery, depositions, hearings, and appeals.

THE HONORABLE DONALD L. GRAHAM, the Southern District of Florida, Miami, Florida

Intern, Spring 1999

PROFESSIONAL AND TRADE ORGANIZATIONS

- International Society of Sports Nutrition (present)
- American Herbal Products Association (present)
- Natural Products Association (present)
- Gerson Lehman Group (present)
- American Bar Association (past)
- International Trademark Association (past)
- Associate of Corporate Counsel, Intellectual Property Section (past)
- Council for Responsible Nutrition (past).

BOARDS MEMBERSHIPS

- Legal Advisory Board, International Society of Sports Nutrition, 2013 – present
- Legal Advisory Board, Dymatize Nutrition, 2013 – present

TRADE CONFERENCES

- International Society of Sports Nutrition, 2011 – present
- Supply Side, 2010 – present
- Natural Products Expo, 2010 – present

SPEAKING ENGAGEMENTS

- *CAI Law Seminar*, “Trademark Law,” February 2, 2018
- *Natural Products Association Webinar*, “Paying the Price to Keep Athletes Clean,” March 2017
- *University of North Carolina Advanced Sports Nutrition Class*, April 13, 2014
- *Supply Side East*, “Tainted Products and Supply Chain Obligations,” May 3, 2011

PUBLISHED ARTICLES

- “*Before Moving Up, Lawyer Up*,” Natural Products Insider, November 30, 2015 and December 1, 2015.
- “*The Ballad of Weedy, a Semi-Fictional Legal Tale*,” Natural Products Insider, October 29, 2015.

- **“Generating Research that Makes Sense,”** Natural Products Insider, September 15, 2015 and September 16, 2015.
- **“BMPEA: Did the FDA get it Right or Just Respond to the Press?,”** Natural Products Insider, June 22, 2015.
- **“What We Can Learn from the Hi-Tech Verdict,”** Natural Products Insider, May 15, 2015.
- **“The Stumbling Blocks of the Supplement Industry,”** Natural Products Insider, March 30, 2015.
- **“Looking for Logic in New York: What’s Going on?,”** Natural Products Insider, February 26, 2015.
- **“What Happens if your Product Delivers a Lawsuit?,”** Natural Products Insider, March 24, 2014.
- **“How can a Company Protect its Trademarks, Trade Dress, & Patents?,”** NBJ/newhope360.com, 2013.
- **“Patent Trolls Strike Supplements,”** NBJ/newhope360.com, July 30, 2013.
- **“And You Thought Your Federally Registered Mark Was Safe ...,”** Intellectual Property & Technology Law Journal, Vol. 17, No. 8, August 2005, pp. 22-24.
- **“Sworn Declaration to Trademark Office Have Potential to be Fraud,”** Daily Business Review, Miami, Vol. 80, No. 32, Tuesday, July 26, 2005, pp. A7 and A11.
- **“Securitizations in Latin America,”** University of Miami Business Law Review, 8 U. Miami Bus. L. Rev. 195 (2000).

EDUCATIONAL BACKGROUND

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida

Juris Doctor, May 2000

Honors

- Top 15% of Class
- Book Award, Elements Class
- Dean’s List, 4 semesters
- Recognized as a Student Leader
- Scholarship, *Inter-American Law Review*
- Research Assistant for Professor Graham

Activities

- *Inter-American Law Review*, Articles and Comments Editor
- Student Leader
- Phi Alpha Delta Fraternity
- Vice President, Federalist Society
- Vice President, Intellectual Property Law Society
- Maintain website and write code for law.miami.edu

FLORIDA ATLANTIC UNIVERSITY, Boca Raton, Florida

Bachelor’s Degree in Finance and International Business, May 1997

BAR AND COURT ADMISSIONS

- Florida Bar, October 2000
- Southern District of Florida, November 2000
- Ninth Circuit Court of Appeals, June 2009
- Western District of Michigan, November 2012