



## Mike Nepple

Partner

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### PRACTICES

- Intellectual Property
- Litigation
- Media & Internet Law

### EDUCATION

- Saint Louis University School of Law, J.D., 1993
- University of Iowa, B.S., Mechanical Engineering, 1989, Minor, Business Administration, 1990

### ADMISSIONS

- Illinois
- Missouri
- Illinois USDC, Central District
- Illinois USDC, Southern District
- Michigan USDC, Eastern District
- Missouri USDC, Eastern District
- US Ct Appeals, 7th Circuit (Covers IL, IN, WI)
- US Ct Appeals, 8th Circuit (AR, IA, MN, MO, NE, ND, SD)
- US Ct Appeals, Federal Circuit
- US Patent and Trademark Office

### AFFILIATIONS

- The American Intellectual Property Law Association
- The American Bar Association
- Bar Association of Metropolitan St. Louis

Mike focuses his practice on intellectual property litigation, including patent, media, advertising, copyright, trade secret, privacy and data breach actions. Mike regularly represents clients in U.S. district and state courts across the country. He is one of the founders of Thompson Coburn's In Focus photo copyright blog. Mike received his undergraduate degree in mechanical engineering from the University of Iowa and is licensed to practice before the U.S. Patent & Trademark Office.

### Recognitions

- Named Lawyer of the Year for First Amendment Litigation in St. Louis (by BL Rankings), 2022-2023
- Listed in "The Best Lawyers in America®" (by BL Rankings)
  - Intellectual Property Litigation, 2019-2025
  - First Amendment Litigation, 2021-2025
  - First Amendment Law, 2024-2025
  - Media Law, 2024-2025
  - Patent Litigation, 2024-2025
  - Advertising Law, 2025
  - Copyright Law, 2025
- F. Wm. McCalpin Pro Bono Award, Legal Services of Eastern Missouri, 2021

### Presentations

- "Legal Risks of Online Conversations," Lorman Education Services, Webinar, 2021
- "Five Legal Issues You Should Consider," Missouri Broadcasters

## EMPLOYMENT

- Thompson Coburn LLP Partner, 2010-Present, Associate, 2007-2009
- Holland, Groves, Schneller & Stolze, LLC

Association, 2021 Convention, Branson, MO, August 7, 2021

- "Talking About Your IP Rights," Thompson Coburn, Webinar, St. Louis, MO, 2020
- "A Little Bit About a Few Things..." Missouri Broadcasters Association, 2019 Convention
- "Staying Legal & Credible in the Age of Misinformation," #MDMC19 - Midwest Digital Marketing Conference, St. Louis, MO, 2019
- "Legal Background of Influencer & Social Media Marketing," #MDMC18 - Midwest Digital Marketing Conference, St. Louis, MO, 2018
- "Federal Circuit Year in Review," Bar Association of Metropolitan of St. Louis, St. Louis, MO, 2018
- "Legal Risks of Online Conversations," Lorman Education Services, Webinar, 2018

## Publications

- Quoted, "The Biggest Copyright Rulings Of 2023," *Law360*, December 14, 2023
- Quoted, "Justices Have Multiple Paths To Doom 'Trump Too Small' Trademark," *Bloomberg Law*, November 3, 2023
- Quoted, "Assessing the Arguments: Practitioners Predict Likely Loss for TRUMP TOO SMALL Applicant," *IPWatchdog*, November 2, 2023
- "No more half measures: pleading infringer knowledge in contributory copyright infringement claims," *ThompsonCoburn.com*, September 24, 2021
- "All Animals are Equal: Eighth Circuit Reverses Dismissal of First Amendment Challenge to Arkansas Ag-Gag Law," *MLRC MediaLawLetter*, September 2021
- "Eighth Circuit: Post-Complaint Hyperlink to Unchanged Story Constitutes a Republication, May Show Actual Malice," *MLRC MediaLawLetter*, September 2021
- "Too infringing to bear: NY court sides with photographer in suit over embedded image," *ThompsonCoburn.com*, August 3, 2021
- "Contributory copyright infringement: Can you ever know what you don't know?," *ThompsonCoburn.com*, May 18, 2021
- "Hard-fought copyright case produces just \$750 award," *ThompsonCoburn.com*, March 18, 2021
- "Survey of Eighth Circuit Court of Appeals Privacy and Related Claims Against the Media," *MLRC 50-State Survey 2021-22: Media Privacy & Related Law*, February 2021
- Co-Author, "Amazon and U.S. IPR Center Announce "Operation Fulfilled Action," *ThompsonCoburn.com*, December 3, 2020
- "Game, set, match: Sometimes the photo is the story,"

*ThompsonCoburn.com*, November 6, 2020

- "Graffiti artists see victory under Visual Artists Rights Act Claim," *ThompsonCoburn.com*, October 14, 2020
- "Not a bargain at twice the price: Court awards attorneys' fees to victorious copyright defendant," *ThompsonCoburn.com*, September 16, 2020
- "Small photo credit removal may result in big damages," *ThompsonCoburn.com*, September 14, 2020
- "Eighth Circuit Finds Unique Fact Scenario Is "Just Enough" to Identify Libel Plaintiff," *MLRC MediaLawLetter*, August 2020
- "Air ball! Court rejects shot at copyright claim for NBA player tattoos," *ThompsonCoburn.com*, April 3, 2020
- "If they litigate, you can only try to mitigate statutory damages," *ThompsonCoburn.com*, February 19, 2020
- "CASE Act promises fast track for small copyright claims, but is it the right track?," *ThompsonCoburn.com*, December 11, 2019
- "The bell tolls for alleged copyright claim to skyline photo," *ThompsonCoburn.com*, October 31, 2019
- "Appellate Court leaves open question of good faith in copyright litigation," *ThompsonCoburn.com*, June 24, 2019
- "Montana court finds copyright lawsuit is all hat, no cattle," *ThompsonCoburn.com*, April 25, 2019
- "Can an artist deem his own art worthy of protection?," *ThompsonCoburn.com*, March 28, 2019
- "Supreme Court rules copyright claimants must begin later, get less," *ThompsonCoburn.com*, March 5, 2019
- "Willie's Creative Commons lesson: The essential attribution requirement," *ThompsonCoburn.com*, March 1, 2019
- "Circuit split alert: U.S. Supreme Court to decide key copyright lawsuit precondition," *ThompsonCoburn.com*, July 3, 2018
- "In infringement, sometimes the little things don't mean a lot," *ThompsonCoburn.com*, May 21, 2018
- Co-Author, "Studies discuss difficulty of combatting disinformation," *ThompsonCoburn.com*, March 28, 2018
- Co-Author, "Can embedding a tweet make you a copyright infringer?," *ThompsonCoburn.com*, March 19, 2018
- "Enforce your repeat infringer policy," *ThompsonCoburn.com*, February 13, 2018
- "Grumpy Cat still grumpy despite big copyright verdict," *ThompsonCoburn.com*, January 31, 2018

- "Fair use is never simple," *ThompsonCoburn.com*, September 26, 2017
- "Is 2 seconds of television time too much to be a fair use?," *ThompsonCoburn.com*, August 22, 2017
- "Update: Court finds transformative nature of alleged infringing work can't be decided by side-by-side comparison," *ThompsonCoburn.com*, August 10, 2017
- "Court holds that displaying photos requires more than making them available," *ThompsonCoburn.com*, June 27, 2017
- "Fair use blocks out copyright claim over LeBron's tattoo," *ThompsonCoburn.com*, June 1, 2017
- "Third verse same as the first - Will Richard Prince's transformation defense work yet again?," *ThompsonCoburn.com*, May 8, 2017
- "Will a court recognize 'aerosol artists'?", *ThompsonCoburn.com*, April 28, 2017
- "Photographer hits retailer over photo of player hitting Joey Bats," *ThompsonCoburn.com*, March 20, 2017
- Co-Author, "Copyright Office changes procedures for DMCA agent designations," *ThompsonCoburn.com*, December 9, 2016
- "Trump Skittles tweet illustrates photo copyright hazards," *ThompsonCoburn.com*, October 31, 2016
- Co-Author, "Street artist's copyright infringement claims against Starbucks dismissed," *ThompsonCoburn.com*, July 21, 2016
- "Fox News fair use claim for Facebook post of 9-11 image remains unresolved," *ThompsonCoburn.com*, July 7, 2016
- Co-Author, "Is appropriation art 'fair use'?", *ThompsonCoburn.com*, June 28, 2016
- "Can you make an infringement claim over thumbnail images?," *ThompsonCoburn.com*, May 12, 2016
- "Final really does mean final in the Federal Circuit," *ThompsonCoburn.com*, December 18, 2013
- Co-Author, "Advertising Law: It's Not Your Father's First Amendment," *The St. Louis Bar Journal*, Fall 2013
- Co-Author, "Missouri Recognizes Right to Deliver Unwanted Speech," *American Bar Association Section of Litigation, First Amendment and Media Litigation Committee website*, July 25, 2012
- "United States: The Bar Won't Be Lowered: U.S. Supreme Court Affirms That Clear And Convincing Evidence Is Always Required To Invalidate A U.S. Patent," *Mondaq.com*, December 13, 2011
- Contributor; *Missouri Bar Media Law Handbook*, 2009
- Co-Author, "Third-Party Bad Faith Litigation in Missouri," *The St. Louis Bar Journal*, Fall 1999

