WHITEFORD

John M. Erbach

PARTNER

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RICHMOND

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BIOGRAPHY

Mr. Erbach is a highly experienced business and commercial litigator. He represents clients from Fortune 500 companies to technology startups in high-stakes patent infringement, trade secret and bet-the-firm commercial disputes, achieving nine-figure results in patent infringement litigation, both at trial and through settlement. He has tried numerous cases to verdict in state and federal courts and in arbitration and brings extensive experience before the U.S. District Court for the Eastern District of Virginia, where he has appeared in well over 100 cases. His intellectual property practice includes patent infringement, trade secret litigation and other complex technology-related disputes. He also represents businesses and individuals in a range of complex commercial matters.

In addition to his litigation practice, Mr. Erbach serves as outside general counsel to small and medium-sized businesses, advising clients on commercial disputes, employment matters, dispute resolution, and other day-to-day legal needs. Regularly recognized in *Virginia Business* magazine's “Legal Elite” for Civil Litigation and Intellectual Property, he also regularly serves as local counsel for national and international law

PRACTICES & INDUSTRIES

Business Litigation

Intellectual Property Litigation

Business Solutions, Restructuring & Financial Litigation

Labor & Employment

EDUCATION

University of Richmond School of Law, 2008, J.D., magna cum laude

William & Mary, 2005, B.S.

ADMISSIONS

Virginia

U.S. Bankruptcy Court: Eastern District of Virginia

U.S. Court of Appeals: Fourth Circuit

U.S. District Court: Eastern District of Virginia

U.S. District Court: Western District of Virginia

firms with matters pending in the U.S. District Court for the Eastern District of Virginia.

Outside of his practice, he is the President-Elect of the Federal Bar Association's Richmond Chapter for 2026-2027, having recently co-chaired the chapter's national convention committee that brought the FBA's national convention to Richmond, and a member of the Fourth Circuit Judicial Conference. He is also active in the Greater Richmond community, having served a four-year term representing the Dale District of Chesterfield County, Virginia on the county's School Board.

RECOGNITIONS

- *Best Lawyers in America* Commercial Litigation, Litigation: Intellectual Property, and Litigation: Labor and Employment 2026, 2027
- *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* 2019-2026 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

MEMBERSHIPS & ACTIVITIES

- Virginia State Bar
- Virginia Bar Association
  - Civil Litigation Section
  - Labor Relations and Employment Law Section

- Federal Bar Association
  - President Elect, Richmond Chapter (to serve 2026-2027)
  - 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
- Chesterfield County School Board, Representing the Dale District
- Board Member, Chesterfield Education Foundation

CLERKSHIPS

- U.S. District Court Judge Henry E. Hudson, 2012-2013
- U.S. Magistrate Judge David J. Novak, 2012
- 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)

INSIGHTS

Panelist, "Insights on IP Practice in the EDVA," Virginia State Bar Intellectual Property Section, Annual Fall Seminar, (October 2026)

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