



Timothy (Tim) Getzoff

Partner

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Tim has served as lead trial counsel in high stakes patent, trademark, and copyright litigation matters throughout the United States.

PRACTICES

IP Litigation
 Intellectual Property
 Patent Prosecution, Counseling and Opinions
 Trademarks and Foreign Portfolio Management
 Copyrights
 Trade Secrets and Non-Competes

EDUCATION

University of Colorado School of Law, J.D., 1996
 Order of the Coif
 Law Review Editorial Board
 University of California - Berkeley, B.A., 1990
 Political Science

BAR ADMISSIONS

Colorado

Over the last 24 years, he has handled over 150 IP litigation cases in numerous federal district and appellate courts, including trials to a jury verdict or judgment in the districts of Colorado, Delaware, S.D. New York, C.D. California, Utah, Idaho, Nevada, E.D. Wisconsin, and M.D. North Carolina.

In addition to his trial practice, which has included actions for temporary restraining orders and preliminary injunctions, Tim has practiced before the International Trade Commission, has handled numerous cases before the Trademark Trial and Appeal Board, and has conducted appeals and oral arguments before the Federal, Second, Sixth, Ninth, Tenth, and Eleventh Circuit Court of Appeals.

In conjunction with his litigation practice, Tim counsels clients on all aspects of intellectual property protection, enforcement, and dispute resolution, with a focus on strategies that avoid unnecessary disputes and maximize the chances of success when litigation is necessary.

EXPERIENCE

Tim's experience involves managing and solving IP disputes for clients in a wide range of technologies and industries, including:

- remote sensor technology
- GPS and embedded firmware applications
- computer data storage hardware and software
- WiFi design and deployment
- telecommunications technology
- foods and nutritional supplements
- sporting goods and sports equipment
- media and publishing
- pesticide products and pesticide application methods
- electronics and on-line retailers

Prior to practicing with Holland & Hart, Tim was a law clerk for the Honorable Zita L. Weinshienk, Senior Judge, United States District Court for the District of Colorado.

CLIENT RESULTS

Patent Litigation

Bridgestone Americas Tire Operations, LLC v. Bridgeport-Schrader et al, (D. Delaware 2015) lead counsel for defendants in two-week jury trial, obtained verdict of non-infringement against all products and claims.

Server Technologies, Inc. v. American Power Co. (D. Nevada 2014) co-lead counsel for plaintiff in two-week jury trial, obtained \$13 million verdict of infringement and validity against all accused products and claims, case currently on appeal.

Cellport Systems, Inc. v. Peiker acoustic GmbH (D. Colo. 2013) lead counsel for defendant in two-week bench trial, obtained judgment of non-infringement against bulk of plaintiff's claims.

Alcohol Monitoring Systems v. BI, Inc. (D. Colo. 2013) lead counsel for defendant, obtained summary judgment of non-infringement on all claims and products (6 F. Supp.3d 1184), argued and affirmed by Federal Circuit (2015).

K-TEC v. VitaMix Corp. (D. Utah 2010) member of trial team for plaintiff in two-week jury trial, obtained verdict of infringement and validity against all products and claims, \$22 million judgment affirmed by Federal Circuit (2012).

Balivi Chemical v. Chemical Supply Co. (D. Idaho 2004) co-lead counsel for defendant in 8-day jury trial, obtained verdict of non-infringement on all claims.

Trademark Litigation

Hero Nutritionals v. Nutraceutical Corp. (C. D. Calif. 2013) lead counsel for defendant in bench trial, obtained judgment of non-infringement on all claims and products.

Aceto Agricultural Chem. v. Bayer Crop Sciences (S.D.N.Y. 2012) lead counsel for defendant in bench trial, obtained non-infringement judgment on all claims and products, affirmed by Second Circuit (2013).

SCJohnson & Co. v. Nutraceutical Corp. (E.D. Wis. 2013) lead counsel for defendant in bench trial, obtained judgment of common-law nationwide trademark rights, remainder of issues decided for client on appeal.

Nature's Life v. Renew Life Formula (D. Utah 2006) lead counsel for plaintiff, defeated defendant's motion for preliminary injunction.

AutoZone v. RadioShack, Inc. (M.D. Tenn. 2001) co-lead counsel for defendant, obtained summary judgment of non-infringement, affirmed by Sixth Circuit (2004).

Copyright Litigation

DCM Systems v. IntelliTec College (D. Mass. 2014) lead counsel for

defendant, obtained jurisdictional dismissal for defendant, case not re-filed.

Gowan Corp. v. Aceto Agricultural Corp. (D. Arizona 2009) lead counsel for defendant, after defeating plaintiff's motion for preliminary injunction, case settled on terms favorable to our client.

IQ Group v. Wiesner Publishing (D. New Jersey 2006) lead counsel for defendant, obtained summary judgment against bulk of plaintiff's copyright and DCMA claims, case settled.

PUBLICATIONS

"Dazed and Confused in Colorado: The Relationship Among Abuse of Process, Malicious Prosecution, and the Noerr-Pennington Doctrine," *University of Colorado Law Review*, Vol. 67, 1996

SPEAKING ENGAGEMENTS

"Plenary Session, Mid-Year Case Law Review: Trademarks," *AIPLA Spring Meeting*, May 17, 2019

"Copyright Law 101," *National Business Institute Teleconferences*, 2010

"Re-examining the Patent System," *Panelist, Silicon Flatirons Conference, University of Colorado School of Law*, April 2006

"Understanding Basic Trademark Law: Trademark Infringement Primer," *Continuing Legal Education Seminar*, Denver, CO, February 2001

"Trade Secret Audits: Top 10 Ways To Protect Trade Secrets," *Seminar given to American Corporate Counsel Association*, Denver, CO, May 2000

RECOGNITION

- *Managing Intellectual Property*, IP Star, 2013-2020
- Colorado Super Lawyers®, Intellectual Property Litigation, 2020
- *The Best Lawyers in America*®, Litigation - Intellectual Property, 2016-2021; Trade Secrets Law, 2018-2021
- *IAM Patent 1000* – The World's Leading Patent Practitioners, Litigation – Gold, 2015-2020
- *IAM Global Leaders*, 2020
- *World Trademark Review (WTR) 1000 - The World's Leading Trademark Professionals*, Colorado, Bronze Band 2017, 2018; Silver Band 2019, 2020

PROFESSIONAL AND CIVIC AFFILIATIONS

- American, Colorado, Denver, & Boulder Bar Associations, Member
- International Trademark Association (INTA), Member
- American Intellectual Property Law Association (AIPLA), Member