



## Hope Hamilton

Partner

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**Hope is one of the firm's leading trademark enforcement attorneys regularly counseling clients on strategic enforcement, with a focus on helping clients resolve disputes prior to litigation.**

When litigation is inevitable, Hope has a track record of success and has obtained important rulings that have helped shape trademark law.

Hope assists clients in industries that include food and beverage, e-commerce, consumer products, spirits, and automotive. Clients note her dedication to high quality service, including her ability to quickly learn their business and its specific needs. Her overall responsiveness, efficiency, effectiveness, and expertise in her field is particularly important. In adversarial matters, Hope is a staunch advocate for her clients, yet she approaches each conflict with a fresh, creative perspective aimed to obtain the best and most efficient results.

Prior to joining Holland & Hart, Hope practiced with Covington & Burling LLP in Washington, D.C.

### PRACTICES

Intellectual Property  
IP Litigation  
Trademarks and Foreign Portfolio Management  
Copyrights

### INDUSTRIES

Outdoor Recreation

### EDUCATION

George Mason University School of Law,  
J.D., 2003  
*magna cum laude*  
*Federal Circuit Bar Journal*, Senior  
Articles Editor

Vassar College, B.A., 1998  
Political Science, with minor in  
Economics

### BAR ADMISSIONS

Colorado  
Virginia  
District of Columbia

### COURT ADMISSIONS

U.S. Court of Appeals for the Second  
Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Ninth  
Circuit  
U.S. Court of Appeals for the District of  
Columbia  
U.S. Court of Appeals for the Federal  
Circuit  
U.S. District Court for the District of  
Colorado  
U.S. District Court for the Eastern District  
of Virginia

### EXPERIENCE

- Trademark and Copyright Enforcement and Protection
- Domain Name Disputes
- Federal Court and TTAB Disputes
- Strategic Trademark Portfolio Management
- Due Diligence and Acquisition Counseling

### CLIENT RESULTS

Lead attorney for major American multinational e-commerce technology company, with responsibility for managing all national and international trademark enforcement matters.

Member of team responsible for trademark enforcement on behalf of two of the world's largest Food & Beverage companies.

Lead attorney for contentious matters for an American Fortune 500 company specializing in distribution and value added services relating to electronic components and computer products.

Prior to joining Holland & Hart, second chaired successful trial against Quiksilver on behalf of World Marketing (owners of the VISITOR clothing brand), in which a unanimous jury found that Quiksilver had willfully

U.S. District Court for the Western District  
of Virginia  
U.S. District Court for the Central District  
of Illinois

infringed on World Marketing's trademark and awarded \$3.625 million in damages. The case involved novel issues of law concerning royalty damages awards in the absence of a prior licensing relationship. *QS Wholesale, Inc. v. World Marketing, Inc.*, Case No. 8:12-cv-00451 (C.D. Cal.).

Helped lead the team that obtained a complete dismissal of a lawsuit in which an agent of the Russian Federation sought to claw back the famous Stolichnaya vodka brand owned by our client SPI. In August 2013, the Second Circuit affirmed the District Court's 2011 decision, holding that the Russian Federation lacked standing to assert trademark infringement and related remedial claims under the Lanham Act, all of which require that only the purported "owner" of the infringed marks (the Russian Federation) may assert such claims. Case involved novel issues of standing as an "assign" or "legal representative." *Federal Treasury Enterprises Sojuzplodoimport, et al. v. Spirits International B.V., et al.*, No. 11-4109, 726 F. 3d 62 (2d Cir. 2013).

Helped lead the team that obtained successful resolution of false advertising claims brought against SPI by competitor concerning labeling and advertising of Stolichnaya vodka. *Russian Standard Vodka (9USA), Inc. v. Allied Domecq Spirits & Wine USA, Inc.*, No 06 Civ, 9915 (RJS) (S.D.N.Y.)

Successfully represented Spirits International B.V. in appeal to the Federal Circuit concerning registration of the trademark Moskovskaya, *In re Spirits International*, 563 F. 3d 1347 (Fed. Cir. 2009), which redefined the application of the doctrine of foreign equivalents in assessing marks that are allegedly primarily geographically misdescriptive.

## PUBLICATIONS

"Bolstering Confidence or Burdening Parties? The U.S. Counsel Rule," *Landslide, American Bar Association Section of Intellectual Property Law*, Co-Author, 12/01/2020

"Lessons from GRUYERE: A Roadmap for Proving Genericness from the TTAB," *IPWatchdog.com*, Co-Author, 09/06/2020

"Responses to Document Requests Can Be Fatal," *Law360*, August 2011

## SPEAKING ENGAGEMENTS

"Strategic Tour with In-House Brand Counsel / Perspectives from the Inside," *17th Annual Rocky Mountain Intellectual Property & Technology Institute*, Moderator, June 2019

"Developments in Trademark Registration Practice," *36th Annual National CLE Conference*, January 2, 2019

"To Use or Not To Use: Pros and Cons of Intent-to-Use Applications," *16th Annual Rocky Mountain Intellectual Property & Technology Institute*, Track B Trademarks/Copyrights Moderator, June 2018

"Strategic Tour with In-House Counsel," *15th Annual Rocky Mountain Intellectual Property & Technology Institute*, Track B Trademarks/Copyrights Moderator, June 2017

"In-House Panel on Brand Management," *14th Annual Rocky Mountain IP & Technology Institute, Moderator*, Track B Trademarks/Copyrights, June 2016

"Avoiding Lack of Bona Fide Intent and Fraud on the PTO Risks," *CLE Presentation*, October 2011

"Up-to-date Basics of Copyright & Trademark Law," *ALI-ABA Sponsored CLE*, May 2010

## RECOGNITION

- *Managing Intellectual Property*, IP Star, 2020, 2021
- *World Trademark Review (WTR) 1000 - The World's Leading Trademark Professionals*, Colorado, 2014-2021
- Washington D.C. Super Lawyers® Rising Stars, 2013, 2014
- *The Legal 500*, Intellectual Property – Trademarks: Litigation, 2013

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Rocky Mountain IP & Technology Institute, Planning Committee Member
- International Trademark Association, Member
- Parallel-Imports Committee, North American Subcommittee Member, 2010-2014
- District of Columbia Bar and Virginia State Bar, Member