



## Benjamin Simler

Associate

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**Ben's practice focuses on litigating and resolving complex business disputes and intellectual property and technology-related issues.**

### PRACTICES

Advertising, Marketing, and Sponsorships  
Intellectual Property  
IP Litigation  
Banking Litigation  
Class Actions  
Advertising, Labeling, and Consumer Class Actions

### EDUCATION

University of Pennsylvania Law School,  
J.D., 2010  
*magna cum laude*  
Order of the Coif  
*University of Pennsylvania Law Review*  
*East Asia Law Review*

University of California at Los Angeles,  
B.A.S., 2006  
*magna cum laude*  
Phi Beta Kappa

### BAR ADMISSIONS

Colorado  
California

### COURT ADMISSIONS

U.S. District Court for the District of Colorado  
U.S. District Court for the Eastern District of Texas  
U.S. District Court for the Central District of California

Ben has a background in Internet-related technologies and business which includes his time as an owner of a web design/coding company. His clients have spanned a range of industries, including energy, software, real estate, automotive, internet, clothing/apparel, semiconductors, and biotechnology.

Before joining Holland & Hart, Ben practiced intellectual property litigation and bankruptcy litigation at Irell & Manella in Los Angeles. He was also a member of the University of Pennsylvania's Environmental Law Group, where he assisted in submitting a public comment to the EPA on proposed greenhouse gas regulations that were repeatedly cited in the final rulemaking.

### EXPERIENCE

#### Federal

- Federal District Courts – Colorado, California, Texas, Mass., Nevada
- Federal Circuit Court of Appeal

#### State Courts

- California State Courts
- Colorado District Courts

#### Administrative forums

- TTAB
- PTAB (e.g. IPR)
- ITC

#### Technologies

- False advertising claims
- Invasions of privacy/publicity rights
- Complex business litigation

### CLIENT RESULTS

Ben was a member of the winning defense trial team representing an automotive parts manufacturer in a major patent dispute in the District of Delaware, and he assisted the trial team in another patent trial victory in

Nevada, this time on behalf of the plaintiff.

## **PUBLICATIONS**

"A Model for Predicting Permanent Injunctions After *eBay v. MercExchange*," *Bloomberg Law Reports Intellectual Property*, 2011

"Officer Liability in Tort – Not Just a ‘Veiled’ Threat," *Century City Lawyer*, 2011

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Intellectual Property Litigation Section Member
- Colorado Bar Association, Member
- Denver Bar Association, Member
- Colorado Intellectual Property American Inns of Court, Member
- Intellectual Property Owners Association, Trade Secret Standing Committee, Member, 2012-2013