Holland & Hart



PRACTICES

Intellectual Property
Global Trademark Brand Management

EDUCATION

George Washington University School of Law, J.D., 1997
With Highest Honors
Ranked 1 of 450 in class
The George Washington Law Review

University of Washington, M.A., 1994
Middle East Studies
Schwartz Endowment Fellow, 1993-1994

University of Virginia, B.A., 1988
Foreign Affairs

BAR ADMISSIONS

Colorado
District of Columbia

Andrea Anderson

Partner

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Andrea Anderson provides strategic counsel to some of the world's largest brand owners in the food and beverage, technology, transportation, and entertainment industries.

The teams she leads assist clients with all aspects of brand creation and protection, including initial clearance, prosecution and registration, and where necessary, enforcement actions and litigation. Clients appreciate her practical and business-oriented approach to legal issues and her delivery of straightforward, actionable advice in situations involving gray areas or legal complexities.

Andrea has extensive experience in the protection and enforcement of trade dress, product configuration, and other non-traditional trademarks. She has appeared as lead counsel in hundreds of inter partes proceedings before the Trademark Trial and Appeal Board, where many of her cases have resulted in precedential opinions or decisions on issues of first impression.

Andrea is particularly sought after for her expertise in helping clients craft culturally relevant advertisements and social media posts while minimizing the likelihood of claims or disputes. When disputes related to a client's trademark or advertisement do arise, clients praise her ability to achieve favorable, cost-effective resolutions that minimize business disruptions.

Andrea is the immediate past chair of the International Trademark Association's (INTA's) Legislation and Regulation U.S. Subcommittee, which helps formulate the association's positions on proposed legislation and federal regulations concerning trademark and related rights.

Before joining Holland & Hart, Andrea served as a law clerk to The Honorable Raymond C. Clevenger, III of the U.S. Court of Appeals for the Federal Circuit and worked as a trademark associate for a large intellectual property firm in Washington, D.C.

EXPERIENCE

- Strategic Trademark Portfolio Management
- Trademark Enforcement Strategies
- Trademark Search, Clearance, and Risk Management
- Due Diligence and Acquisition Counseling

CLIENT RESULTS

Federal Court Actions

After a three-week jury trial, obtained verdict of infringement against one of the largest banks in the world. When the district court judge failed to enjoin the infringement, successfully appealed to the U.S. Court of Appeals for the Third Circuit, obtaining reversal of the trial court's decision for abuse of discretion.

Successfully defended client in jury trial involving allegation that client's product infringed plaintiff's registered color trademark. The case settled extremely favorably on the third day of trial during cross examination of the plaintiff's principal.

On the Tuesday prior to Black Friday, prepared Complaint, Motion for Preliminary Injunction, and demand letter and obtained settlement under which a major U.S. retailer pulled an infringing product from its stores nationwide within 24 hours, positively impacting client's sales over the holiday weekend.

On behalf of a worldwide human resources consulting firm, defeated plaintiff's Motion for Preliminary Injunction (brought after the client announced its initial public offering), after which the case favorably settled, and client continued to use its mark.

On behalf of a leading tennis racquet manufacturer, initiated several gray goods cases, resulting in either injunctions or settlements under which unauthorized imports of client's product ceased.

On behalf of cable music provider, prepared and filed Motion for Preliminary Injunction, leading to favorable settlement under which major internet service provider ceased using an infringing mark.

Obtained summary judgment of no infringement in client's favor in copyright infringement suit seeking millions of dollars in damages.

Obtained summary judgment that client's barbed-wired themed jewelry did not infringe plaintiff's jewelry design, and obtained affirmation of ruling on appeal.

On behalf of major real estate company, successfully litigated and resolved numerous cases involving its distinctive signage design.

Prior to enactment of the TDRA, obtained ruling in a case of first impression rejecting, on summary judgment, the doctrine of "niche fame."

TTAB Actions

Successfully opposed application to register NESPORT for lack of bona fide intent to use the mark.

Successfully opposed application to register WINEBUD for wine, resulting in a precedential opinion related to consumer survey methodology.

Defeated opposition to client's application to register a single product color and obtained decision from the U.S. Trademark Trial and Appeal Board

that client's mark was protectable. Case is cited in McCarthy on Trademark and Unfair Competition Law.

In a case of first impression, obtained judgment in client's favor due to opposer's failure to serve initial disclosures and pretrial disclosures, and avoided the expense associated with entering testimony on the client's behalf. The Board designated the decision precedential.

Obtained judgment in client's favor in cancellation action alleging that client's mark was geographically misdescriptive.

PUBLICATIONS

"Confusing CBD: Post-Legalization Trademark Strategies for Food and Beverage Marks," *World Trademark Review*, 05/07/2020

"Supreme Court's New Profits Awards Standard Unlikely to Affect Trademark Litigation Strategy," *Thomson Reuters Westlaw Journal Intellectual Property*, 05/06/2020

"'Unbinding' Precedent: TM Protection for Packaging Color Schemes Now More Attainable," *World Intellectual Property Review*, 05/05/2020

"User-friendly? Strategies for navigating the USPTO's use audits for global brand owners," *Managing Intellectual Property*, 01/02/2019

"3 Easy Ways to Deter Counterfeiters," 2/25/2011

"Avoid Branding and Marketing Mishaps - An Overview," *Executive Counsel*, 4/1/2010

"What New FTC Rules for Word of Mouth Marketing Mean for Your Business," *SNEWS*, 11/23/2009

"The FTC Cracks Down on Word-of-Mouth Marketing," *ColoradoBiz*, 10/20/2009

"Take action against unauthorized resellers," *Managing Intellectual Property*, 10/14/2009

"Trash or Treasure: Controlling your brand in the age of upcycling," *Trademark World*, 7/1/2009

"Federal Circuit to Hear Two Trademark Fraud Cases in May," *77 Patent, Trademark & Copyright Journal 648 (BNA April 10, 2009)*, 4/10/2009

"Trademark Counterfeiting on the Rise," *Colorado Biz*, December 2006

"Absolutely Fair? U.S. Supreme Court Agrees to Hear Fair Use Case," *Trademark World*, April 2004

"Limitations on the Automatic Stay Provision," *George Washington Law Review*, May 1, 1996

SPEAKING ENGAGEMENTS

"Trade Dress Protection Strategies," *Associação Brasileira da Propriedade Intelectual (ABPI)*, Rio de Janeiro, Brazil, 2019

"Becoming A Partner…And Then What? Business Development for Aspiring and New Partners," *American Bar Association Webinar*, 2019

"Brands in the Spotlight," *International Trademark Association - Business of Brands New York Conference*, 2019

"Creating Culturally Relevant Promotions," *Rocky Mountain IP Institute*, 2015

"Protecting Your Corporate Identity Online," *ACC Annual Meeting*, 2011

"When Not to Send a Cease and Desist Letter," *Rocky Mountain IP Institute Half-Day, Half-Year, IP Fall Update 2010*, Fall 2010

"Inside the Chatterbox - Engaging with Consumers and Protecting Your Brand in the World of New Media," *Co-Presenter with Paul Kirwin (Channel Signal), Outdoor Industry Association*, October 2009

"Recent Developments in U.S. Trademark Law," *Association of Brazilian Trademark Administrators*, Rio de Janeiro, July 2009

"Selling Green While Avoiding Red Flags: Legal Guidelines for Green Marketing Claims," *Outdoor Industry Association*, October 2008

"Intellectual Property Protection in the U.S.," *Scandinavian Outdoor Group*, Gothenburg, September 2008

"Basics of Trademark Enforcement," *Colorado Bar Association, Fundamentals of IP Law Seminar*, June 2008

"Keeping it Real - Protecting Your Brand from Trademark Counterfeiting," *Outdoor Industry Association Annual Rendezvous Conference*, October 2007

"Combating Counterfeiting," *World Trade Center of Denver*, June 2006

"Parallel Imports in the U.S.," *Facilitator at the International Trademark Association Annual Meeting*, April 2006

"Fraud on the PTO," *Facilitator at the International Trademark Association Roundtable*, March 2006

"The Treatment of Non-Traditional Trademarks Under U.S. Law," *Intellectual Property Law Association of Brazil*, 2003

RECOGNITION

“Andrea Anderson is another essential contact. She is an exceptional team leader and sharp strategic thinker who leverages her broad experience to

spot problems and avoid costly disputes." (WTR 1000-2024)

"Andrea is just a genius – she gives pragmatic advice but infuses it with fantastically creative and unique ideas regarding brand creation and protection." [WTR 1000 – 2020]

"Andrea Anderson is 'absolutely first class" on the prosecution and strategic management side; "I have a great deal of respect for what she does,' remarks one commentator." [WTR 1000 – 2016]

"Hands down the most responsive, creative IP lawyer I have ever worked with" remarked one client about Andrea. According to another: "[t]he characteristic that sets Andrea apart from her peers is her ability to place herself in the position of an in-house counsel." "[She] really listens to what clients need and adapts her communications to fit the audience." [Lexology Client Choice Award Survey Respondent – 2014]

"Andrea is a skilled negotiator. I have yet to find another outside lawyer that can always resolve a deal favorably." [Lexology Client Choice Award Survey Respondent – 2014]

- *World Trademark Review (WTR) 1000 - The World's Leading Trademark Professionals*, National, Silver Band, 2023, 2024
- *World Trademark Review (WTR) 1000 - The World's Leading Trademark Professionals*, Colorado, Gold Band, 2014, 2016-2025
- *World Trademark Review (WTR) Global Leaders,* 2019-2026
- *Chambers USA*, Intellectual Property, 2014, 2019-2026
- *Managing Intellectual Property*, IP Star, 2013-2014, 2016-2026, Top 250 Women in IP, 2013, 2018-2026
- BTI Client Service All-Star, 2026
- Shortlisted for *Managing IP Americas Awards*, US National Practitioner of the Year (Trademark Prosecution), 2021
- *The Best Lawyers in America*© Lawyer of the Year, Trademark Law – Denver, 2013; Trademark Law – Boulder, 2016, 2018, 2020
- *The Best Lawyers in America*®, Trademark Law, 2013-2027
- *WIPR Leaders*, Trademark, 2017-2023
- Colorado Super Lawyers®, Intellectual Property, 2016-2026
- *5280 Magazine* Top Lawyers, Intellectual Property: Trademark, 2017-2024
- *Who's Who Legal*: Trademarks, 2014-2016, 2018
- *Lexology* and *International Law Office*, Client Choice Award, Intellectual Property – Trademarks in Colorado, 2014
- *Euromoney Expert Guides*: Trademark, 2014
- *Lexology* and *International Law Office*, Client Choice award nominee, 2013

PROFESSIONAL AND CIVIC AFFILIATIONS

International Trademark Association (INTA)

- US Legislation and Regulation Subcommittee, Member, 2002-2005; 2017-2019; 2022-2024; Chair 2024-2025
- Political Action Committee (PAC) Board, 2024-2025
- Enforcement Committee, 2014-2016
- Bulletin Committee, 2010-2014
- Anti-Counterfeiting Committee, 2006-2009

Mile High United Way, Member

- Tocqueville Society, 2018-present
- Mountain View United Methodist Church, Permanent Endowment Committee Member