



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

Intellectual Property
Patent Preparation, Prosecution, and
Counseling
Global Trademark Brand Management
Trade Secrets and Non-Competes
Intellectual Property Litigation

INDUSTRIES

Outdoor Recreation

EDUCATION

University of Colorado Law School, 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.

Tim is an elected member of the firm's five-partner Management Committee which oversees the firm's management and strategic direction.

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

"Two Critical Takeaways From VLSI's Appellate Loss of Patent Mega-Verdict," *IAM*, January 25, 2024

"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

"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, 2013-2023
- *Chambers USA*, Intellectual Property, 2022-2023
- Colorado Super Lawyers®, Intellectual Property Litigation, 2020-2024
- *The Best Lawyers in America®*, Litigation - Intellectual Property, 2016-2024; Trade Secrets Law, 2018-2024
- *IAM Patent 1000* – The World's Leading Patent Practitioners, Litigation – Gold, 2015-2023
- *IAM Global Leaders*, 2020-2024
- *World Trademark Review (WTR) 1000 - The World's Leading Trademark Professionals*, Colorado, Bronze Band, 2017, 2018; Silver Band, 2019-2024
- *5280 Magazine* Top Lawyers, Intellectual Property: Litigation, 2021-

2024

- *The Best Lawyers in America*® Lawyer of the Year, Litigation - Intellectual Property – Boulder, 2022

“Timothy Getzoff carries out all trademark instructions with impressive effectiveness – he is an expert negotiator, litigator and portfolio strategist, who is extremely successful in satisfying his clients’ needs.” (WTR 1000-2024)

PROFESSIONAL AND CIVIC AFFILIATIONS

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