

## **Michael G. Martin**

### **Experience**

Mr. Martin has 29 years of trial experience. This includes jury trial, trials to the court, arbitration proceedings and appeals. His practice is concentrated in the areas of patent, trademark, and trade secrets litigation. He has also handled disputes over the control of closely-held entities, securities litigation, and real property litigation.

### **Intellectual Property**

- Counsel for defendants in case in the United States District Court for the District of Colorado between competitors in air de-stratification fan industry. Plaintiffs sought over \$5.5 million in compensatory damages as well as punitive damages and injunctive relief. Following a two-week jury trial in August of 2013, the jury entered a verdict for defendants on claims for trade secret misappropriation, fraud, breach of contract, and infringement of design patent.
- Represented respondents in a case before the International Trade Commission, brought in 2006, by a large footwear manufacturer alleging that numerous shoe styles infringed its utility and design patents. Case resulted in findings of invalidity of utility patent and non-infringement of design patent.
- Represented Alzheimer's Institute of America in dispute over license agreements for the Swedish Mutation with the Mayo Clinic. The defendant used cell lines containing the Swedish Mutation, which is patented by client, for Alzheimer's research purposes. Successfully argued for the client in arbitration proceedings that cell lines containing the Swedish Mutation were not included in the scope of the licensing agreement.
- Counsel for apparel designer and seller sued for trademark infringement in the United States District Court for the District of Colorado. Obtained dismissal of all claims.
- Handled cases regarding copyright infringement of architectural plans and drawings.
- Briefed and argued appeals in United States Court of Appeals for the Federal Circuit in patent cases.
- Part of legal team that serve as principal outside intellectual property counsel for the leading retailer of shoes in the United States and is involved in patent, trademark, trade dress, and copyright issues and all associated litigation, domestic and foreign.
- Obtained preliminary injunctions enjoining the use of trade secrets and enforcing covenants not to compete.

### **Complex Commercial Litigation**

- Defended leading IBM business partner in dispute relating to purchase of security component of business. Claimants alleges breach of asset purchase agreement and sought damages of over \$2 million under various earn out provisions of agreement. Arbitration award entered in favor of client, dismissing all claims brought by claimants, following week long arbitration hearing in June of 2011.
- Trial counsel for design architect in gaming industry in one-week jury trial in United States District Court for the District of Nevada. Case involved claims against production architect and resulted in favorable settlement for client during trial.
- Obtained summary judgment and denial of class certification in multi-million dollar securities fraud action asserted against financial institution.
- Obtained defense verdict on behalf of manufacturer in products liability action.
- Successfully represented a major automobile dealer in trial involving real property dispute.
- Successfully arbitrated dispute between members of closely held real estate development company resulting in an award of all property to client.
- Obtained jury verdict for insurer in fire subrogation action.

#### **Areas of Practice**

- Patent
- Trademark
- Trade Secrets Litigation
- Securities Litigation
- Real Property Litigation

#### **Bar Admissions**

- Colorado, 1984
- U.S. District Court District of Colorado
- U.S. District Court District of Arizona
- U.S. District Court District of Nevada
- U.S. District Court District of Wyoming
- U.S. Court of Appeals Federal Circuit
- U.S. Court of Appeals 10<sup>th</sup> Circuit
- Supreme Court of Colorado

#### **Education**

University of Colorado School of Law, Boulder, Colorado - J.D. 1984

Brown University - A.B. 1980

University of Southern California Law Center – 1982

#### **Classes/Seminars**

Speaker, Litigating Trade Secret Damages, American Bar Association Section Conference, April 25, 2013

### **Honors and Awards**

- Martindale-Hubbell® “AV” Rating
- Top-Rated Lawyer in Intellectual Property Law, ALM and Fortune Magazine, 2013

### **Professional Associations and Memberships**

- American Bar Association Trade Secrets Litigation Subcommittee, Co-Chair
- American Bar Foundation, Fellow
- American Bar Association, Intellectual Property Patent Litigation Committee
- National Institute of Trial Advocacy, Master Advocates Program
- Colorado Fourteeners Initiative, 54 Club Member
- Volunteers for Outdoor Colorado
- Colorado Squash Racquets Association, Board of Directors
- Colorado Bar Association, Intellectual Property
- Denver Art Museum, Colorado