

Fisher Broyles

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Office: Denver

Practice Areas: Intellectual Property; Intellectual Property Litigation; Commercial Transactions; General Corporate; Litigation — Civil Pretrial and Trial Services; Technology

Bar Admissions: Colorado Supreme Court; United States Patent & Trademark Office

Education: University of Denver, Juris Doctor, 2005; University of Colorado, Arch. Engineering, 1998

Experience: Rockwell Automation; Sheridan Ross; Lewis Brisbois

Ian specializes in all aspects of intellectual property, working closely with his clients to identify, develop, commercialize and protect their brands and technology. As a former controls engineer at Rockwell Automation, with 19 years practicing law at a national IP boutique and large general practice firms, Ian has a unique perspective to advise diverse clients, ranging from early-stage and high growth businesses to Fortune 500 companies with significant portfolios. Ian is registered to practice before the United States Patent & Trademark Office, having prepared and prosecuted hundreds of patents in various technology groups, with the largest concentration in medical device technology, consumer products, software and SaaS. Ian also obtains trademark registrations for his clients, and routinely practices before the Trademark Trial & Appeal Board.

Ian has called Colorado home since 1983 and may be reached at the firm's Denver office. While many of his clients have ties to Colorado, Ian represents a number of international corporations, and he assists many of his clients with foreign patent and trademark matters. Ian also works closely with attorneys practicing in Europe, Australia, Japan, China and South America on behalf of his clients, as well as foreign businesses seeking advice on U.S. law. Ian's experience includes negotiating and preparing complex licenses, supply agreements and related transactions on a domestic and international scale.

During his career, Ian has chaired numerous trials and appeals and is routinely engaged to enforce and defend patents, trademarks, copyrights and trade secrets in Federal court, before the International Trade Commission and in USPTO proceedings. His last two patent trials resulted in a rare finding of willful

Fisher Broyles

Page 2 of 3

infringement in favor of his clients. Ian also has a knack for keeping his client out of the courtroom, and has successfully resolved IP disputes through mediation and direct negotiation.

Representative Transactions Include

Recent Accomplishments

Created and implemented IP strategy for rapidly growing medical device company, now encompassing more than 75 U.S. and foreign patents. Successfully defended competitor-initiated reexamination of key patent asset, with USPTO finding all original claims valid.

As lead counsel, obtained a rare award of treble damages in connection with a previous finding of willful patent infringement of all three asserted patents, with the court ultimately entering a final amended judgment exceeding \$5.2 million in damages and costs. Through post-trial motions, secured a permanent injunction prohibiting defendant from making, using, selling, offering to sell, or importing the accused products. After defendant failed to comply with the notice provisions of the injunction, successfully moved for and received an exceptional case order and an award of attorneys' fees.

Successfully instituted and quickly concluded a Section 337 Investigation before the International Trade Commission on behalf of a national plumbing equipment manufacturer, identifying six respondents accused of multiple acts of unfair importation. Obtained settlements with four respondents and a Consent Order prohibiting the remaining two respondents from importing, distributing and selling the accused products.

Presentations & Teaching Experience

- Panelist and speaker at American Physical Therapists Association CSM 2020 covering multiple intellectual property subjects.
- Faculty presenter at 2019 American Intellectual Property Association (AIPLA) Design Rights Boot Camp in Chicago, Illinois, including presentation on Design Rights Enforcement.
- Presented at 2018 Outdoor Retailer Expo (July, 2018) on strategies for enforcing intellectual property rights against counterfeiters and importers.
- Co-presenter at 2018 Denver Startup Week, "Patent your Technology or Keep it Close to the Vest?"

Fisher Broyles

Page 3 of 3

- Presented “Intellectual Property Considerations in Artificial Intelligence” in 2018 through Knowledge Group webinar series.
- Panelist for “Intellectual Property for Startups” at 2017 Denver Startup Week.
- Presented “Evolution of Trade Secret Protection” in 2016 to AIPLA Corporate Counsel practitioner group.

Amicus Briefs

- Amicus Brief on Petition for Rehearing En Banc in Columbia Sportswear v. Seirus Innovation Accessories, Federal Circuit Court of Appeals (1/2020)

Awards & Honors

- Best Lawyers in America 2022 - 2024
- Super Lawyers (Colorado) 2016-2021
- IAM 1000 (Colorado) 2020-2022 (“He has a sharp legal mind along with good business sense and he always puts clients first.”)
- Super Lawyers Rising Star 2010-2015
- University of Denver Barristers Cup 2003