

Nathan T. Paine



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ATTORNEY PROFILE

Mr. Paine, a commercial litigator, represents individuals and businesses in state and federal courts. He has extensive experience litigating intellectual property matters, including disputes regarding infringement of design and utility of software and other patents; trademark and copyright infringement; and trade secret misappropriation. Mr. Paine's achievements include securing a \$20 million award in a case involving claims of design patent and copyright infringement. He has also litigated complex cases involving breach of contract, securities, defamation, probate litigation, and tort liability. Mr. Paine has also successfully appealed cases in both state and federal courts of appeal.

In addition, Mr. Paine represents and advises i-502 businesses in matters of regulatory compliance, transactions, and intellectual property. He currently represents some of the largest and most successful i-502 companies in the industry. The representation includes counseling clients on regulatory compliance, successfully litigating disputes, guiding clients through the process of changing locations and/or ownership and advising on the monetization and protection of brands. Mr. Paine has also successfully represented i-502 clients in challenging WSLCB's notices of violation through the administrative appeals process.

Prior to pursuing law, Mr. Paine served as head chef for a traditional Japanese restaurant in Kyoto, Japan, and speaks the language fluently.

PROFESSIONAL ACTIVITIES

Washington State Bar Association
King County Bar Association
Seattle Intellectual Property Inn of Court

MAJOR AREAS OF PRACTICE

Patent Litigation
Intellectual Property
IP Licensing
i-502 Regulatory Compliance & Transactions
Commercial Litigation
Appellate

EDUCATION

J.D., University of California Berkeley
Boalt Hall School of Law
B.A., Wesleyan University, *with honors*

ADMITTED TO PRACTICE

Washington State Bar
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of California

REPRESENTATIVE LITIGATION MATTERS

In a \$59 million contract dispute, achieved a summary dismissal of all claims asserted against Fortune 500 client. The twelve plaintiffs asserted various causes of action including breach of contract, tortious interference, breach of fiduciary duty and unfair business practices.

Achieved a \$20 million settlement for client Pacific Coast Marine Windshields Limited ("PCMW") in its lawsuit against Malibu Boats for infringement of its design patent and copyrights. On a motion for summary judgment, defendants initially prevailed with its argument that PCMW's claims were barred by the equitable doctrine of prosecution history estoppel. PCMW, however, successfully appealed the order to the Federal Circuit, which reversed and remanded the case for trial. *Pacific Coast Marine Windshields Ltd. v. Malibu Boats, LLC*, 739 F.3d 694 (Fed. Cir. 2014). On remand, PCMW prevailed on key issues concerning damages. PCMW's position was that under Section 289 of the Patent Act, and the Federal Circuit opinions interpreting that section, PCMW was entitled to the disgorgement of Malibu's profits from the sales of the entire boats to which accused windshield design had been applied. Malibu argued that any damages award needed to be limited to just the profits of the windshield under a theory of apportionment. The court ruled in PCMW's favor, holding that PCMW was entitled to the disgorgement of all profits Malibu earned from the sale of any boat to which the infringing windshield design had been applied. *Pacific Coast Marine Windshields Ltd. v. Malibu Boats, LLC*, 2014 WL

4185297 (M.D. Fla. Aug. 22, 2014). The case settled for \$20 million soon thereafter.

Successfully defended client against claims of trademark infringement asserted by Fortune 500 candy company.

Obtained a favorable settlement in favor of software developer against the publisher for breach of contract and other claims.

Successfully litigated series of lawsuits against numerous infringers of a software patent covering technology concerning download managers used to download music and video games on the Internet.

Secured voluntary dismissal of all claims asserted by a competitor against an i-502 retail client.

After prevailing on numerous motions of summary judgment filed by defendants, obtained favorable

settlement for clients against ten defendants on claims of defamation, invasion of privacy and outrage.

Convinced the Washington Court of Appeals to reverse a King County trial court's order vacating a judgment in favor of our Texas clients that was obtained in Texas and domesticated in Washington under the Uniform Enforcement of Foreign Judgments Act. See *Brown v. Garrett*, 175 Wash. App. 357 (2013). The matter settled shortly thereafter.

Obtained a verdict of over one million dollars in a bench trial concerning securities claims involving Rule 144 stock.