



NATHAN T. PAINE

Shareholder

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PRACTICE AREAS

Cannabis & Hemp Law

Copyrights

Intellectual Property

Intellectual Property Litigation

Trademarks

Nathan 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 patents; trademark and copyright infringement; and trade secret misappropriation. He also assists clients with trademark and copyright registrations and intellectual property licensing and enforcement.

Nathan has also litigated complex cases involving partnership disputes, breach of contract, securities, defamation, probate litigation, and tort liability. His achievements include securing over \$40 million in cash settlements in a class action lawsuit asserting Lanham Act claims on behalf of the Kona coffee farmers. Judge Lasnik praised the case as one of "the most impressive class action cases I have dealt with in my time on the federal bench because there's a real harm here and a real result that makes people whole again."

In addition, he represents and advises cannabis producers, processors, and retailers in matters of regulatory compliance, transactions, and intellectual property. He currently represents some of the largest and most successful cannabis 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. Nathan has also successfully represented cannabis clients in challenging WSLCB's notices of violation through the administrative appeals process. Prior to pursuing law, Nathan served as head chef for a traditional Japanese restaurant in Kyoto, Japan, and speaks the language fluently.

REPRESENTATIVE MATTERS:

- As lead counsel, secured over \$40 million in cash settlements and injunctive relief valued at over \$60 million in *Corker v. Costco, et al.*, 2:19-cv-00290 (W.D. Wash.), Lasnik, J., a class action suit asserting Lanham Act claims on behalf of all Kona coffee farmers against over 20 suppliers and retailers of fake Kona coffee products. Defendants included Costco, Amazon, Walmart, Kroger, Safeway, TJ Maxx, and ABC Stores to name a few. The class was ultimately certified.
- Secured dismissal with prejudice of class action lawsuit filed against cannabis retail client over purported violations of the Washington Commercial Electronic Mail Act after the Court of Appeals rejected the plaintiff's argument for a bright line rule in deciding whether the potential class members provided their consent to receive commercial text messages. The class action was dismissed without any discovery.
- Achieved a \$20 million settlement for Pacific Coast Marine Windshields Limited ("PCMW") in its lawsuit against Malibu Boats for infringement of its design patent and copyrights. PCMW prevailed on key issues concerning damages, specifically the appropriate application of Section 289 of the Patent Act. See *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.
- 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.
- Convinced the Washington Court of Appeals to reverse a King County trial court's order vacating a judgment 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).
- 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, receiving millions of dollars in settlements for the client.
- Represented real estate investor in defending against claims asserted under the Distressed Property Conveyances through appeal on matters of first impression concerning the interpretation of multiple provisions of the act.
- Successfully represented plaintiff in boundary dispute with neighbor, who then breached the parties' settlement agreement. The court ordered the defendants to specifically perform their settlement obligations and awarded plaintiff his attorney fees and costs as the prevailing party.
- Represented investor in cannabis retail license and commercial property in multiple lawsuits, including an appeal, against their former attorney and his co-conspirators and securing nearly \$1 million in settlements for the client.
- Recovered from the Department of Revenue over \$500,000 in tax overpayments for retail cannabis client.
- Represented cannabis retail client in partnership dispute litigated to the Court of Appeals before ultimately resolving the matter on terms favorable to the client with the client securing 100% ownership interest in the entity.
- Secured voluntary dismissal of patent infringement lawsuit against manufacturers of cannabis

extraction equipment on terms favorable to the clients.

- Successfully secured a voluntary dismissal of Lanham Act claims filed by over a dozen plaintiffs on favorable terms after convincing the client's insurer to fund the entire settlement.
- Obtained summary judgment on enforcement of settlement agreement in favor of client with entry of judgment for specific performance and monetary relief.
- Prevailed in an arbitration over the enforcement of a settlement agreement with an award of attorney fees and costs to the client.
- Awarded a sanction of over \$140,000 against opposing counsel and their firm for their unreasonable and vexatious multiplication and obstruction of the proceedings.
- Recovered from bank all funds that had been fraudulently transferred from the client's account.
- Successfully represented video game developer in contract dispute.
- 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.

PROFESSIONAL & CIVIC ASSOCIATIONS:

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

BAR & COURT ADMISSIONS:

- Washington State Bar
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of California
- U.S. District Court, District of Delaware
- U.S. District Court, Southern District of Indiana

EDUCATION:

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