

Paul J. Linden

Counsel



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Practices/Industries

- Patent Litigation
- Trade Secret Protection & Litigation
- Trademark/Copyright Litigation
- Complex Business Litigation

Education

Xavier University
(B.S., Applied Physics, 1995)

John Jay College (City
University of New York)
(M.A., Forensic Psychology,
2004)

Northern Kentucky University
Salmon P. Chase College of
Law
(J.D., *cum laude*, 2008)
Northern Kentucky Law
Review

Overview

Paul is an accomplished litigator and registered patent attorney who concentrates his practice in the area of IP litigation. He has extensive experience representing clients in federal court litigation involving patents, trademarks, and trade secrets, as well as in adversarial and post-grant proceedings at the U.S. Patent and Trademark Office. He also has experience with actions at the U.S. International Trade Commission and the Federal Trade Commission, and assists with complex business litigation.

Paul's technical background in applied physics, broad experience in intellectual property, and practical approach to litigation allows him to understand his clients' diverse needs and provide skilled counsel on matters involving a wide range of technologies. In addition to his substantial litigation experience, Paul prepares legal analyses and opinions and provides consultation on a broad range of intellectual property issues such as freedom to operate and patent validity. He is dedicated to finding resolutions that keep his clients' businesses moving forward.

Outside of his practice, Paul serves as Vice Chair of the Cincinnati Bar Association's Intellectual Property Litigation Committee where he helps lead bi-monthly meetings and provides updates regarding recent developments in intellectual property law. He also serves as an adjunct faculty member at the University of Cincinnati College of Law where he teaches a course on the practice of intellectual property law and guides students in learning how to recognize, protect, and enforce clients' IP rights.

Experience

- Successfully defended against preliminary injunction motion and prosecuted *inter partes* reexamination resulting in cancellation of all 134 claims of plaintiff's patent-in-suit on behalf of accused infringer medical device manufacturer (*Gaymar Industries, Inc. v. Cincinnati Sub-Zero Products, Inc.*, W.D. New York, Case No. 1:08-cv-299)
- Prevailed at summary judgment regarding design patent infringement claim and all pleaded defenses on behalf of owner of design patent for "Kinetic Sculpture" (*Red Carpet Studios v. Midwest Trading Group, Inc. et al.*, S.D. Ohio, Case Nos. 1:12-cv-501; 1:15-cv-524)
- Successfully cancelled two of competitor's registrations for automotive lubricants after full trial period and oral hearing before the Trademark Trial and Appeal Board (*Ashland Licensing & Intellectual Property, et al. v. Sunpoint International Group USA Corp.*, TTAB, Cancellation No. 92057294)
- Represented owner of trademark for automotive lubricants in infringement and counterfeiting case successfully achieving consent judgment against accused infringer (*Ashland Inc. v. Specialty Lube, Inc.*, S.D. Illinois, Case No. 3:13-cv-0095)
- Prevailed on motion to dismiss at the pleading stage on behalf of accused infringer ultrasonic data-over-sound developer (*AXS Group, LLC v. LISNR, Inc.*, C.D. California, Case No. 2:17-cv-8413)

Experience (Cont)

- Represented patent owner textile manufacturer in patent infringement case against competitor successfully rebutting each indefiniteness challenge at claim construction and achieving favorable settlement (*Standard Textile Co., Inc. v. J&R United Industries, Inc.*, S.D. Florida, Case No. 0:17-cv-61815)
- Successfully defended against preliminary injunction motion and achieved favorable settlement for defendant online parking reservation company in federal trade secret case (*Way.com v. OneStopParking.com, LLC*, N.D. California, Case No. 3:18-cv-4819)
- Represented textile manufacturer in appeal to the Patent Trial and Appeal Board and post-appeal prosecution, successfully achieving significant issued patent (*In re Muthanandam*, Pat. Appl. No. 13/671,342, U.S. Pat. No. 10,612,174)

Presentations

- “Eighth Annual Supreme Court Roundup,” Cincinnati Bar Association IP Litigation Committee (August 2021)
- “Seventh Annual Supreme Court Roundup,” Cincinnati Bar Association IP Litigation Committee (September 2020)
- “Sixth Annual Supreme Court Roundup,” Cincinnati Bar Association IP Litigation Committee (September 2019)
- “Fifth Annual Supreme Court Roundup (and a Couple Federal Circuit Cases),” Cincinnati Bar Association IP Litigation Committee (June 2018)
- “Fourth Annual Supreme Court Roundup,” Cincinnati Bar Association IP Litigation Committee (August 2017)
- “Third Annual Supreme Court Roundup and Other Interesting Cases,” Cincinnati Bar Association IP Litigation Committee (August 2016)
- “Second Annual Supreme Court Roundup: 5 Cases in One Term,” Cincinnati Bar Association IP Litigation Committee (August 2015)
- “Supreme Court Roundup: 10 Cases in One Term,” Cincinnati Bar Association IP Litigation Committee (July 2014)
- “E-Discovery: Protect Your Client and Yourself,” Cincinnati Bar Association IP Litigation Committee (April 2010)

Publications

- “Cancer Research v. Barr Laboratories: The Federal Circuit Unreasonably Delays a Clear Directive on the Doctrine of Prosecution Laches,” Ohio State Bar Association IP Section Online Newsletter (Spring 2011)
- “State v. Troisi: Registration Required in Trademark Counterfeiting Prosecution,” Ohio State Bar Association IP Section Online Newsletter (Summer 2010)

Involvement

Professional Affiliations

- Cincinnati Bar Association (*Vice Chair, IP Litigation Committee*)
- Cincinnati Intellectual Property Law Association
- Ohio State Bar Association
- American Intellectual Property Law Association

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Counsel

Involvement (Cont)

Professional Affiliations (Cont)

- Federal Circuit Bar Association
- Intellectual Property Owners Association

Honors & Distinctions

- Named to *The Best Lawyers in America*®, Litigation - Intellectual Property; Litigation - Patent (2022)
- Named a Cincy Leading Lawyer in Intellectual Property Litigation in a survey of lawyers by Cincy Magazine (2021; 2022)
- Cincinnati Bar Association Ingenuity Award (2015)
- Named to the Ohio Super Lawyers Rising Stars list (2015-2018)

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. Patent & Trademark Office