



TIMOTHY M. REYNOLDS

Partner

Boulder

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BIOGRAPHY

Tim Reynolds is an experienced trial lawyer whose practice encompasses all aspects of intellectual property protection, with a focus on copyright, trademark, and trade secret litigation. He represents clients in both high-stakes and day-to-day matters and has secured significant victories and settlements nationwide. He works with clients in entertainment, traditional and digital media, telecommunications, software, healthcare, consumer products, and food and beverage industries. He helps clients achieve their goals by guiding them through all phases of litigation, from early investigation and counseling through trial and appellate review.

Tim regularly advises clients with respect to all facets of copyright, including ownership and work for hire issues, registration, transfers and licensing, infringement and fair use analysis, actual and statutory damages, and attorney fee awards. He counsels social media and online content providers in connection with rights enforcement, licensing, Digital Millennium Copyright Act (DMCA)

compliance, and other online copyright issues. His copyright practice spans multiple forms of expression, including music, sound recordings, motion pictures, software, fine art, applied art, literature, education and training materials, and architecture.

Tim's trademark experience includes prosecuting and defending trademark infringement, trademark opposition, rights of publicity, and domain name (UDRP) proceedings. He regularly advises clients on the protection of trade secrets, from identifying and taking measures to protect confidential information, to investigating allegations of trade secret misappropriation and prosecuting and defending claims of trade secret theft.

Tim is on the pro bono panels for the United States District Court for the District of Colorado and the Boulder County District Court. He regularly offers his services to nonprofit organizations seeking advice and counsel on a wide range of intellectual property issues.

CIVIC INVOLVEMENT & HONORS

- Colorado Lawyer, Editor, Civil Litigator Column
- Colorado IP Inn of Court, Member and Team Leader
- Copyright Society, Member
- Faculty of Federal Advocates, Member
- The Family Learning Center, Director, 2011-2016; Board Chair, 2013-2016
- Growing Home, Inc., Director, 2005–2010; Board Chair, 2008–2009
- 50 for Colorado Business Leaders Network, Member, Class of 2005
- Law Clerk, Honorable Clarence A. Brimmer, United States District Court for the District of Wyoming, 1999–2000
- Colorado *Super Lawyers*
- *Martindale-Hubbell* Peer Review Rated AV Preeminent 5.0 out of 5.0

PROFESSIONAL AFFILIATIONS

- American Bar Association
- Colorado Bar Association
- Wyoming Bar Association

- Boulder County Bar Association

CLERKSHIPS

Clerkship, Honorable Clarence A. Brimmer, Jr., U.S. District Court for the District of Wyoming, 1999-2000

SPOKEN LANGUAGES

- French

ADMISSIONS

- Wyoming, 2000
- Colorado, 1999
- United States Courts of Appeals for the Second, Fifth, Ninth and Tenth Circuits
United States District Courts for the District of Colorado, District of Wyoming and Middle District of Florida

EDUCATION

University of Denver, J.D., 1999

University of Colorado-Boulder, B.A., 1988

RELATED PRACTICE AREAS

- Intellectual Property and Technology
- Sports & Entertainment
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Sports & Event Financing
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Trademarks: Litigation

- Business Speech
- Regulation, Compliance & Advisory
- Litigation & Dispute Resolution
- Copyrights
- Trade Secrets
- Entertainment & Media
- Media & First Amendment
- Oil, Gas and LNG
- Appellate
- Business & Commercial Disputes

EXPERIENCE

- Counsel for international healthcare and data automation company in suit for breach of software purchase agreement seeking payment of \$3.4 million in alleged additional compensation. Won dismissal of all claims and payment of portion of defense costs. *Implanet, S.A. v. Global Healthcare Exchange, LLC*, No. RG 2015027024 (Commercial Court, Paris, France)
- Lead counsel for international agri-food co-operative in action for trademark infringement and unfair competition. Won temporary restraining order and permanent injunction barring defendants from launching competing product with confusingly similar trademarks. *Ornua Foods North America Inc. et al. v. Eurogold USA LLC et al.*, No. 17-cv-00510-JPS (D. Wis.)
- Lead counsel for international moving equipment and storage rental company defending claims of copyright infringement asserted by alleged successor of German author under Section 104A of the Copyright Act (restored work). *Boston Copyright Associates, Ltd. v. U-Haul International et al.*, No. 1:13-cv-12826-IT (D. Mass.)
- Lead counsel for online social media company defending hundreds of copyright infringement claims brought by photography licensing agency based on celebrity photos posted to online community forum by members of the forum. Won summary judgment on grounds of immunity under the DMCA and obtained order requiring the licensing agency to pay \$290,000 in costs and attorney fees. *Totally Her Media, LLC v. BWP Media USA, Inc.*, No. 13-cv-08379 (C.D. Cal.)
- Co-counsel for medical equipment company and its directors and officers defending claims of fraud and breach of contract brought by Icelandic bank. Won dismissal of all claims in bench trial and recovered \$500,000 in litigation costs. *Arion Bank, HF v. SHD Acquisition LLC, et al.*, No. 14CA2468 (Colo. App.)

- Lead counsel for non-profit affordable housing company that was sued by developer for breach of contract and tortious interference. Won dismissal of all claims in bench trial and recovered \$550,000 in litigation costs and attorney fees. *Mercantile Commercial LLC v. Del Norte Neighborhood Development Corporation*, Nos. 14CA0819, 15CA0488 (Colo. App.)
- Lead counsel for local broadcaster in action for injunctive relief and damages based on trademark infringement and unfair competition under the Lanham Act and Colorado common law. Case resolved through settlement. *Public Broadcasting Of Colorado, Inc., v. Twin Cities Public Television, Inc.*, No. 1:13-cv-1799 (D. Colo.)
- Lead national counsel for major United States record labels in copyright infringement lawsuits against internet users who illegally copy and distribute sound recordings through online file-sharing programs, including multiple jury verdicts finding willful infringement. *Sony BMG Music Entertainment v. Tenenbaum*, 719 F.3d 67 (1st Cir. 2013); *Capitol Records, Inc. v. Thomas-Rasset*, 692 F.3d 899 (8th Cir. 2012); *Arista Records LLC v. Doe 3*, 604 F.3d 110 (2d Cir. 2010); *Maverick Recording Co. v. Harper*, 598 F.3d 193 (5th Cir. 2010); *Virgin Records America Inc. v. Thompson*, 512 F.3d 724 (5th Cir. 2008), *Warner Bros. Records Inc. v. Stubbs*, 2007 WL 1959282 (W.D. Okla. 2007), *Interscope Records v. Kimmel*, 2007 WL 1756383 (N.D.N.Y. 2007), *Atlantic Records Corp v. Heslep*, 2007 WL 1435395 (N.D. Tex. 2007), *Arista Records LLC v. Greubel*, 453 F. Supp. 2d 961 (N.D. Tex. 2006), *Arista Records LLC v. Tschirhart*, 241 F.R.D. 462 (W.D. Tex. 2006).
- Lead counsel for national supplier of home building products in defense of claims of copyright infringement brought by home plan design company. Case resolved through settlement. *Design Basics et al. v. ProBuild Company LLC et al.*, No. 10-cv-2274 (D. Colo.)
- Lead counsel for premium pet food company in action for injunctive relief and damages based on trademark infringement and unfair competition against competitor seeking to enter niche market using confusingly similar trademarks. Case resolved through settlement. *Zuke's LLC v. Blue Buffalo Company, Ltd.*, No. 1:10-cv-2463 (D. Colo.)
- Counsel for Colorado healthcare provider in defense of claims for fraud and breach of fiduciary duty brought by physician residents. *Dillen v. HealthOne, LLC*, 108 P. 3d 297 (Colo. App. 2004).

RESOURCES

PUBLICATIONS

- “The Moderator Paradox. A recent case examining online copyright liability poses a sticky problem for websites that host user-generated content.” *Intellectual Property Magazine*, July 3,

2017

- "Application of the Joint Defense Privilege and Common Legal Interest Rule," 32 Jan. Colorado Lawyer 51 (2003)
- "Tenth Circuit Survey of Federal Indian Law," 75 University of Denver Law Review 977 (1998)

RELATED INSIGHTS

Awards

Mar 26, 2021

Acritas Stars recognizes 55 BCLP lawyers for outstanding client service

Events

May 06, 2020

BCLP Data, Tech and IP Teams to Present at KnowIt 2020