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DAVID A. ROODMAN

Partner
St. Louis

E: david.roodman@bclplaw.com
T: +1 314 259 2614

BIOGRAPHY

Dave focuses his practice on intellectual property litigation, appeals, transactions, licensing, counseling, opinions, and protection including matters relating to patents, trademarks, service marks, trade dress, dilution, copyrights, trade secrets, e-commerce, entertainment, unfair competition, false advertising, domain name disputes, and technology-related matters. He is a former leader of the Intellectual Property Client Service Group – a position he held for nine years.

Dave has handled complex intellectual property litigation and transactional work throughout the United States for over 25 years. He represents companies and individuals in a wide range of fields including, among others, consumer products, pet food, electro-mechanical machines, devices, and processes, software, business method patents, biotechnology, e-commerce, advertising, entertainment (music, video, films, endorsements), information and data providers,

telecommunications, mechanical hardware, sporting goods, and games and recreational equipment.

CIVIC INVOLVEMENT & HONORS

- *Chambers USA,* Intellectual Property (Band 2), 2014-2024
- *The Best Lawyers in America*, Litigation - Intellectual Property, Patent Law, and Trademark Law - 2002-2017, 2020-2024
- *Missouri Lawyers Weekly,* Intellectual Property POWER List, 2022-2023
- *Missouri/Kansas Super Lawyers*, 2006-2023
- Lawyer of the Year, Patent Litigation, *Best Lawyers*, 2016
- *Missouri Lawyers Weekly*, "Missouri's Best," 2009

PROFESSIONAL AFFILIATIONS

- Bryan Cave Intellectual Property Client Service Group – Leader, 1999-2008
- 22nd Judicial Circuit, Missouri Supreme Court – Chair, Disciplinary Committee, 2002-2006
- International Trademark Association (INTA)
- American Intellectual Property Law Association (AIPLA)

ADMISSIONS

- Illinois, 1991
- Missouri, 1990
- U.S. Patent and Trademark Office
- United States Patent and Trademark Office
  United States Courts of Appeals for the Federal, Sixth and Seventh Circuits
  United States District Courts for the Northern and Southern Districts of Illinois, Eastern District of Missouri, and Eastern District of Texas

EDUCATION

University of Missouri-Columbia, J.D., Order of the Coif, Order of the Barristers, 1990

University of Missouri-Columbia, B.S.M.E., 1984

RELATED PRACTICE AREAS

- Intellectual Property and Technology Disputes
- Outdoor Industry
- USPTO Trials & Reexaminations
- Sports & Event Financing
- Patents Litigation
- Trademark Litigation
- 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 Litigation Practice
- Collegiate Sports Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Food & Beverage
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Pubs, Clubs & Restaurants
- Trade Secrets
- Regulation, Compliance & Advisory
- Hotels and Hospitality
- Real Estate Retail
- Litigation & Dispute Resolution
- Financial Institutions
- Copyrights
- Food & Agribusiness
- Business & Commercial Disputes
- Retail & Consumer Products
- Sports & Entertainment

EXPERIENCE

- *DataTreasury v. Fiserv Inc., et al* (ED TX) (PTAB) (Defending client against allegations that check clearing processes infringe the claims of two patents) (Successful Covered Business Method review proceeding before the Patent Trial and Appeal Board)
- *Oil-Dri Corp. v. Nestlé Purina PetCare Company* (ND IL) (PTAB) (Defending client against allegations that animal litter infringes upon the claims of a patent) (Case successfully stayed during pendency of IPR before the Patent Trial and Appeal Board)
- *Nordyne, Inc. v. RBC Manufacturing Corporation* (ED MO) (Favorable outcome in a declaratory judgment action seeking non-infringement and/or invalidity of a motor control patent)
- *ECIMOS, et al. v. Nortek Gloval HVAC* (WD TN) (Defending client against allegations of misappropriation of trade secrets, copyright infringement, and breach of contract)
- *Express Scripts, Inc. v. INTEL Corporation* (ED MO) (Represented Express Scripts in declaratory judgment action for non-infringement of a trademark)
- *Nestec S.A. v. Wysong Corporation* (ED MO) (Successfully represented Nestec S.A. in a patent infringement action involving probiotics in food compositions)
- *Vyatek v. Karsten Manufacturing and PING, Inc.* (D AZ) (Successfully defended clients against allegations of patent infringement – golf clubs)
- *Picture Patents, LLC. v. Tweeter Newco, LLC, et al.* (SD NY) (Defended clients against allegation of infringing patent directed to website content; procured extremely favorable settlement)
- *Allen Brothers v. Agri Beef Co.* (ND IL) (Successfully defended Agri Beef against allegations of trademark infringement; obtained summary judgment of non-infringement)
- *Cybercard Corporation v. Gemplus Corporation* (S.D. NY) (Successfully defended Gemplus against allegation that certain telecommunications card systems infringed the claims of Cybercard's patent; case resulted in favorable settlement)
- *Vardon Golf Co. v. Karsten Mfg. Co.* (N.D. IL.) (Successfully obtained jury verdict on behalf of defendant Karsten and Ping, Inc., where there was a finding of non-infringement, inequitable conduct against the plaintiff, and partial invalidity; obtained $2.1M judgment against plaintiff)
- *Express Scripts, Inc. v. Liberty Express Scripts* (ED MO) (Successfully obtained Consent Judgment against Liberty Express Scripts regarding service mark infringement)
- *Brookstone Company, Inc. v. Décor Craft, Inc., and Restoration Hardware, Inc.* (E.D. MO) (Represented plaintiff Brookstone in this patent infringement case; obtained Consent Injunction and Order against one of the defendants, and a favorable settlement from the second defendant)

- *Brookstone v. Cornerstone Brands, Inc. and Cimmar L.P., d/b/a Frontgate* (E.D. MO) (Represented plaintiff Brookstone in this patent infringement case; obtained a Consent Injunction against the defendants)
- *Sharper Image Corp. v. Brookstone Company, Inc.* (N.D. CA) (Procured favorable settlement on behalf of defendant Brookstone in this patent infringement case)
- Recording Industry of America (Served as regional counsel in copyright actions against illegal file-sharers)
- *Matrex Furniture Components, Inc. v. Skelly Foam Products, Inc., et al.* (M.D. NC) (Obtained favorable settlement on behalf of plaintiff Matrex in this patent infringement and misappropriation of trade secret case)
- *Zevo Golf Co., Inc. v. Karsten Manufacturing Corporation* (Fed. Cir.) (S.D.CA) (Successfully obtained summary judgment, and affirmance thereof, of non-infringement of asserted patents on behalf of Karsten and Ping)
- *Leggett & Platt v. Hickory Springs* (Fed. Cir.) (N.D. IL. 2001) (Obtained reversal of summary judgment of non-infringement of a patent on appeal on behalf of plaintiff Leggett & Platt)
- *Lemelson Medical, Education & Research Foundation v. Express Scripts, et al.* (D. AZ) (Successfully defended Express Scripts in this Lemelson action. Case was recently dismissed with no payments of any fees or royalties)
- *Integrated Network Technologies, Inc. v. Ray Allen, Inc.* (ND IL) (Obtained favorable settlement on behalf of defendants against claims of copyright infringement, breach of contract, and related issues)
- *American Legion v. American Legion* (E.D. MO) (Successfully obtained favorable settlement on behalf of plaintiff National American Legion in trademark infringement action)
- *Murphy & Company v. Central Bank* (ED MO) (Defending client against allegations of copyright infringement)
- *Triumph Pharmaceuticals v. Discus Dental* (ED MO) (Successfully defended Discus Dental against allegations of false advertising; case resulted in favorable settlement)
- *Meridian Enterprises Corp. v. C/Base, Inc., et al.* (E.D. MO) (Successfully defended CardEx against allegation of patent infringement (value/debit cards); case resulted in favorable settlement)
- *Applebee's Int'l v. Societe Des Produits Nestle S.A., et al.* (D KS) (Successfully defended Nestle against allegation of trademark infringement; case resulted in favorable settlement)

- *Willie Woods v. Atlantic Recording Corporation, et al.* (E.D. MO) (Represented defendants against allegations of copyright co-ownership, unfair competition, and an accounting; favorable settlement.)
- *Formstore, Inc. v. AmeriComm Direct Marketing, Inc.* (E.D. MO) (Successful resolution of case for patent infringement; validity; inventorship)
- *Allcare v. Express Scripts, et al.* (N.D. TX) (Represented Express Scripts in the patent infringement action; obtained favorable settlement on behalf of client)
- *Usher's Waterworks, Inc. v. The Boeing Company*, 36 F. Supp. 2d 1166, 38 F. Supp. 2d 783 (E.D. MO), aff'd 2000 WL 278731 (Fed. Cir.) (Obtained summary judgment on behalf of Boeing, and affirmance on appeal, from allegations of patent co-inventorship and breach of confidentiality agreement)
- *IMAX Corporation v. World Odyssey and The Jefferson National Expansion Historical Assn.* (E.D. MO) (Clients were World Odyssey and JNEHA; obtained favorable settlement on behalf of both clients in this patent infringement action)
- *Anheuser-Busch, Incorporated v. The Stroh Brewery Company* (E.D. MO) (Successful resolution of trademark infringement; trade dress infringement; dilution; and unfair competition on behalf of AB)
- *The Washington University v. Karademir, et al.* (E.D. MO) (Obtained consent judgment, and enforcement thereof, on behalf of Washington University for service mark infringement)
- *Hartco Company, Inc. v. Leggett & Platt, Incorporated* (N.D. IL) (Successful resolution of patent infringement case on behalf of L&P)
- *Roton Barrier, Inc., et al. v. The Stanley Works*, 79 F.3d 1112 (ED MO, Fed Cir.) (Judgment against Stanley for misappropriation of trade secrets, affirmed on appeal)
- *Rawlings Sporting Goods Company, Inc. v. Charles O. Finley* (E.D. MO) (Successful settlement on behalf of Charles O. Finley in this patent infringement and breach of contract case)
- *Clipper Cruise Lines, Inc. v. Star Clipper, Inc.*, 952 F.2d 1046 (8th Cir.) (Reversal of district court judgment against Star Clipper for trademark infringement)

RESOURCES

SPEAKING ENGAGEMENTS

- "Developments in Patent and Trademark Litigation and Legislation," American Corporate Counsel Annual Meeting, 2006
- "Trademark Law," Bar Association of Metropolitan St. Louis, 2003-2006
- "Trade Secrets," Bar Association of Metropolitan St. Louis, 2002

RELATED INSIGHTS

Awards
Aug 17, 2023
The Best Lawyers in America® 2024

News
Jun 01, 2023
Chambers USA 2023

News
Dec 15, 2022
Four from BCLP recognized by 'Missouri Lawyers Weekly' as top intellectual property lawyers

Awards
Aug 18, 2022
The Best Lawyers in America© 2023

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