



Allen W. Hinderaker

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Trial is the exclusive focus of Allen's practice, representing clients in court, before administrative tribunals, and in private arbitration. Allen understands that case strategies, tactics and outcomes must align with business objectives: the litigation must be planned, budgeted and handled in partnership with the client to serve the client's business requirements. Allen's trial practice is focused on patent infringement, trademark and trade dress infringement, commercial contract and licensing disputes, trade secret misappropriation and claims of unfair competition.

Honors and Awards

Recognized as one of the "Best Lawyers in America 2010" by *The Best Lawyers in America*.

Fellow, Litigation Counsel of America, Trial Lawyer Honorary Society

- Member, Diversity Law Institute
- Member, The Trial Law Institute

Recognized as a Partner in Quality by Hormel Foods Corporation. This award is given to less than one percent of the company's outside suppliers, and the honor has been given to only one other attorney.

Recognized as a "SuperLawyer" by *Minnesota Law & Politics*.

Representative Cases

3M Company and 3M Innovative Properties Company v. Pradeep Mohan
(United States District Court, District of Minnesota - Trademark Infringement and Counterfeiting)

Champagne Louis Roederer v. J. Garcia Carrion, S.A. and Friend Wine Marketing, Inc. d/b/a CIV USA
(United States District Court, District of Minnesota - Trademark Infringement)

Hysitron Corporation v. MTS Systems Corporation
(United States District Court, District of Minnesota - Patent Infringement)

MTS System Corporation v. Hysitron Incorporated
(United States District Court, District of Minnesota - Patent Infringement)

Atlanta

Denver

Knoxville

Madison

Minneapolis

New York

Seattle

Washington DC

Allen W. Hinderaker (Continued)

First National Bank in Sioux Falls v. First National Bank South Dakota, SPC Inc., et al.
(United States District Court, Southern District of South Dakota - Trademark Infringement)

Hormel Corporation and Hormel Foods LLC v. Spam Arrest LLC
(Trademark Trial and Appeal Board - Trademark Infringement)

Black & Decker Inc. v. Robert Bosch Tool Corporation
(United States District Court, Northern District of Illinois - Patent Infringement)

All Rite Products, Inc. v. Mountain Green ATV, et al.
(United States District Court, District of Utah, Central Division -- Patent Infringement)

Northwest Airlines, Inc. v. NWA Federal Credit Union
(United States District Court, District of Minnesota -- Trademark Infringement)

AgStar Financial Services v. AgriStar Global Networks
(United States District Court, District of Minnesota -- Trademark Infringement)

The Men's Warehouse v. Retek, Inc.
(AAA Arbitration -- Fraud and Breach of Software License and Development Agreement)

Diversified Pharmaceutical Services, Inc. v. Medica Health Plans, et al.
(AAA Arbitration -- Wrongful Contract Termination)

Pfizer Inc. v. Joytime Herbs, et al.
(United States District Court, District of Minnesota -- Trademark Infringement)

Atlanta

Firepond, Inc. v. Banter
(United States District Court, District of Minnesota -- Patent Infringement)

Denver

Pfizer Inc. v. Robinson Laboratories, Inc.
(United States District Court, District of Minnesota -- Trademark Infringement)

Knoxville

CSC Brands LP and Campbell Soup Company v. Herdez Corp. and Hormel Foods Corporation
(United States District Court, Eastern District of California -- Trademark and Trade Dress Infringement)

Retek v. George Hunter Harris
(United States District Court, District of Minnesota -- Trade Secrets and Non-Compete)

Madison

Union Avenue Pharmacy et al. v. Express Scripts, Inc.
(New Jersey State Court, Somerset County -- Breach of Contract, Class Action)

Minneapolis

Robert Witt et al. v. U.S. Healthcare, Inc. and Express Scripts, Inc.(United States District Court, District of Maine -- Unfair Deceptive Trade Practices, Class Action)

New York

DaimlerChrysler AG and Mercedes-Benz, USA v. MBZ Communications et al.
(United States District Court, District of Minnesota; Eighth Circuit Court of Appeals -- Trademark Infringement)

Seattle

Firepond, Inc. v. David R. Lundberg and ChannelPoint, Inc.
(United States District Court, District of Minnesota -- Trade Secrets and Non-Compete)

Windy City Wire, Inc. v. Rizzo Development Corporation
(United States District Court, Western District of Pennsylvania -- Trademark Infringement)

Washington DC

Minnesota Mining and Manufacturing Company v. Valleylab, Inc.(United States District Court, District of Minnesota -- False Advertising)

Allen W. Hinderaker (Continued)

Susan M. Maxwell v. J. Baker, Inc.

(United States District Court, District of Minnesota -- Patent Infringement Damages)

United States Drug Testing Laboratories, Inc. v. Editek, Inc.

(United States District Court, Northern District of Illinois -- Patent Infringement)

Minnesota Mining and Manufacturing Company v. Louis M. Gerson Company

(United States District Court, District of Minnesota -- Trade Dress Infringement)

EBCO Manufacturing v. WTC Industries, Inc.

(United States District Court, District of Minnesota -- Trademark Infringement)

Dynamic Air, Inc. v. Flexicon Corporation

(Minnesota States District Court, Ramsey County -- False Advertising)

Transaction Technology, Inc. v. Citibank F.S.B. v. Online Resources and Communications, Inc.

(United States District Court, Eastern District of Virginia -- Patent Infringement)

Shelby Elastics, Inc. v. Medical Textiles, Inc. et al.

(United States District Court, Western District of North Carolina -- Patent Infringement)

National Car Rental Systems, Inc. v. Computer Associates, Int'l Inc.

(United States District Court, District of Minnesota; Eighth Circuit Court of Appeals -- Software License Breach, Copyright Infringement)

Atlanta

Recent Selected Lectures and Publications

Panelist, AIPLA Electronics & Computer Patent Law Summit, on Patent July Trials, August 16, 2011

Denver

Speaker, Litigation Counsel of America Renaissance Symposium II, on Persuasion, March 20, 2011

Speaker, 29th Annual Conference of the American Society of Trial Consultants, on Witness Preparation, June 17, 2010.

Knoxville

Speaker, Continuing Legal Education Program, "Mastering Courtroom Evidence," January 11, 2009

IP Law 360 Article "Value And Trust: Trial Preparation From Day One" (Portfolio Media, New York, April 8, 2008)

Madison

Domestic And International Litigation Strategies, "Taking Steps Toward A Successful Resolution," Aspatore Books, 2007

Minneapolis

Speaker, Continuing Legal Education Program, "Advertising Law," October 25, 2005. Sponsor, Lorman Education Services

New York

Speaker, Continuing Legal Education Program, "Using Themes in Trials," Trademark Litigation, June 21, 2002. Sponsor, Minnesota Institute of Legal Education.

Course Co-Chair, Continuing Legal Education Program, "Trademarks," April 5, 2001. Sponsor, Minnesota Institute of Legal Education.

Seattle

Course Co-Chair, Continuing Legal Education Program, "Doing Business On-Line," March 30, 2000. Sponsor, Minnesota Institute of Legal Education

Washington DC

Allen W. Hinderaker (Continued)

Education

St. Olaf College

B.A., magna cum laude, 1970

University of Minnesota Law School

J.D., magna cum laude, 1974

Judicial Clerk, The Honorable Gerald W. Heaney, U.S. Court of Appeals, Eighth Circuit, 1974-76

Bar Admissions

Minnesota State Bar, 1974

Minnesota Supreme Court, 1974

U.S. District Court, District of Minnesota, 1976

U.S. Court of Appeals, Eighth Circuit, 1976

U.S. District Court, District of South Dakota, 1980

U.S. Supreme Court, 1993

U.S. Court of Appeals for the Seventh Circuit, 1993

U.S. Court of Appeals, Federal Circuit, 1994

U.S. Court of Appeals for the Ninth Circuit, 2002

U.S. District Court, District of Colorado, 2004

U.S. District Court, Eastern District of Wisconsin, 2006

U.S. District Court, Eastern District of Texas, 2010

Professional Affiliations

American Bar Association

Intellectual Property Section

Litigation Section, Member Intellectual Property Litigation Committee

Atlanta

International Trademark Association

Member, Famous and Well Known Marks Committee

Past Member, Regulatory Affairs Committee

Denver

Intellectual Property Owners Association (IPO)

Knoxville

American Intellectual Property Law Association

Madison

Minnesota State Bar

Minnesota Intellectual Property Law Association

Twin Cities Diversity in Practice

Mentor, Diversity in Practice Ambassador Program

Minneapolis

New York

Seattle

Washington DC