



Kirstin L. Stoll-DeBell

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Kirstin is a partner specializing in patent and trademark litigation and patent portfolio analysis. Although much of Kirstin's practice focuses on computer software, she is experienced in handling a variety of matters covering a broad spectrum of technology areas from semiconductor circuit design and processing, cellular telephones, and oxygen scavenging polymer compositions to casino gaming equipment, Christmas ornaments, and greeting cards.

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In addition to her emphasis on litigation, Kirstin performs strategic IP portfolio analysis, negotiates and drafts patent, trademark, and trade secret licensing agreements and has experience filing and prosecuting trademark and patent applications. Kirstin has also counseled clients on a variety of other intellectual property matters, including trademark selection and usage and trade secret protection.

Atlanta

Denver

Kirstin is a co-author of the ABA's Best Selling book entitled *Injunctive Relief: Temporary Restraining Orders and Preliminary Injunctions*, which offers a comprehensive and practical guide to injunctive relief covering a broad spectrum of issues from pre-filing considerations to appellate relief.

Knoxville

Madison

Education

University of Colorado, Boulder
B.A., Molecular, Cellular, and Developmental Biology, 1995, with a Minor in Biochemistry

Minneapolis

University of Colorado School of Law
J.D., 1998

New York

Bar Admissions

Colorado Supreme Court, 1998
Federal Circuit Court of Appeals, 1998
Tenth Circuit Court of Appeals, 1998
U.S. District Court for the District of Colorado, 1998
U.S. District Court for the Eastern District of Michigan, 1999
U.S. Patent and Trademark Office, 1998
U.S. Supreme Court, 2004

Seattle

Washington DC

Kirstin L. Stoll-DeBell (Continued)

Professional Affiliations

Colorado Bar Association
American Bar Association
Women in Technology International (WITI)
American Intellectual Property Law Association

Honors

Named a "Top Woman Lawyer for 2010" by LawWeek Colorado
2010 Colorado Super Lawyer's Rising Star in Intellectual Property Litigation
The Best Lawyers in America, Intellectual Property Law

Client Recommendations:

"For the past several years Kirstin has been the lead litigator for Halo Innovations as we defended a trademark infringement complaint against a key competitor. Kirstin was successful in developing a very strong defense that resulted in a favorable settlement for us. Kirstin is very good communicator who is also bright, diligent, persistent and aggressive (in the best sense of that term). I also found her to be sensitive to the needs and situation of the company and our position in the marketplace. I am very pleased to recommend Kirstin and available for reference calls as needed." March 15, 2010

Chuck Dorsey, President/CEO at Halo Innovations, Inc.

"Hello, This is to provide a summary of the tremendous service my company receives from Kirstin Stoll-DeBell. Last year our company was faced with a significant legal issue. The issue was complicated, emotional and carried with it a large financial risk. Kirstin and I worked many hours on this situation. The ultimate outcome of the suit was a settlement. Kirstin proved over and over her skill as a negotiator as well as an impressive expertise that increased our advantage in settlement discussions. She handled herself with the highest level of integrity and demonstrated a value system that allowed both client and plaintiff to trust her. I don't give out recommendations easily. With Kirstin I feel I am doing other companies a favor by recommending her." March 12, 2010

Dan Kinsella, CFO at Shavlik Technologies

"If I needed patent work done, I would turn to Kirstin as one of my first picks of a dream team. I greatly respect her expertise not only in patent law overall but in the highly complex and technical aspects of the underlying inventions. We partnered on several projects and the creative dynamic that grew from her open mind and ability to take random thoughts through to a positive result is not only appreciated but highly valuable. Even better, she smiled the entire time. I highly recommend Kirstin for any patent work you may have." March 11, 2010

Carole Boelitz, Senior Attorney at Microsoft

Publications

Stoll-DeBell, Kirstin L., Dempsey, Nancy L., and Dempsey, Bradford E., Injunctive Relief: Temporary Restraining Orders and Preliminary Injunctions (American Bar Association 2009).

"The Impact of eBay on Preliminary Injunctions in Intellectual Property Cases," *The Edge: M&G's Intellectual Property White Paper*, February 2008.

"Using Presumptions to Tip the Balance for Injunctive Relief," ABA's *Litigation Magazine*, Fall 2006.

"Temporary Restraining Orders And Preliminary Injunctions: Prefiling Considerations," ABA Litigation Section Roundtable Outline, May 2003.

"Willful Patent Infringement and Enhanced Damages: Recent Decisions," ABA's IPL Section Newsletter, Spring 2003.

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"Attorney Opinions In Patent Litigation: Willfulness Shield Issue and Conflict of Interest Issue," ABA Litigation Section Roundtable Outline, October 2001.

Speaking Engagements

Injunctive Relief in Intellectual Property Cases," *Federal Bar Association Annual Meeting*, September 2007.

"Patent Law 101," *Colorado Bar Association's IP Institute*, May 2007.

Notable Cases

Prince Lionheart v. Halo Innovations (D. Colo 2010): Represented Halo in this trademark infringement lawsuit involving baby products. The case settled after Halo won a motion to compel Prince Lionheart's privileged documents relating to Halo's trademark fraud counterclaim.

Black & Decker v. Bosch, Appeal Dkt. No. 2007-1243 (Fed. Cir.): Represented Bosch in this appeal of a jury verdict finding infringement of patents relating to a combination radio/battery charger. The Federal Circuit vacated the infringement verdict and damages award because the district court erred in construing the claims.

Black & Decker v. Bosch, Civil Action No. 04 C 7955 (N.D. Ill.): Represented Bosch in this patent infringement lawsuit. Successfully precluded from trial Black & Decker's claims against Bosch's current accused product. Obtained a jury verdict invalidating two of the four independent claims and a damages award for the other claims that was less than a third of the damages sought.

Constar v. Ball, Civil Action No. 05-C-0669-C (W.D. Wis.): Represented Ball in a patent infringement action relating to oxygen scavenging polymer compositions. Achieved settlement shortly after Ball filed its motion for summary judgment of patent invalidity.

Motorola and Freescale v. Micron, Civil Action No. A 04 CA 007 LY (W.D. Tex) and *Micron v. Motorola*, Civil Action No. 04 C 0204 S (W.D. Wis.): Represented Motorola in this patent infringement lawsuit involving 37 patents. Successfully moved to transfer Micron's later filed lawsuit from the W.D. Wisconsin to be consolidated with Motorola's first filed lawsuit in the W.D. Texas. Case settled after we successfully moved to have the discovery divided into phases limited to six patents per phase.

Altira Group v. Philip Morris Companies, Civil Action No. 01-K-2344 (D. Colo.): Represented Altira Group in a trademark infringement lawsuit asserting Philip Morris' new name "ALTRIA" would create reverse confusion. Although the court denied our motion for a preliminary injunction, primarily because Philip Morris had not yet changed its name, we made new law on reverse confusion in the Tenth Circuit. The case settled after the district court refused to consolidate the preliminary injunction hearing with trial on the merits and indicated that it would stay discovery and trial until Philip Morris changed its name.

Smash v. New England Pottery Company, Civil Action No. 01-601 (D. Minn.): Prevailed on a motion to preliminarily enjoin NEPCO from selling its "Starlight Sphere" Christmas ornaments because they infringed Smash's patent.

Bryant v. American Greetings, Civil Action No. 99-WM-1819 (D. Colo.): Represented American Greetings in this lawsuit alleging American Greeting's use of a heart enclosing baby footprints design infringed plaintiffs' trademark. Achieved a favorable settlement after American Greetings filed a motion for summary judgment based on the trademark fair use defense.

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