

Merchant & Gould

An Intellectual Property Law Firm



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Kristine practices general intellectual property law with an emphasis on the commercial component of intellectual property rights. She handles domestic and international enforcement needs for trademark, patent and copyright owners.

Kristine serves as an advocate for her clients, in the prosecution and defense of claims in the United States (Federal) District Courts, at the United States Patent and Trademark Office and before alternative dispute resolution providers like the National Arbitration Forum's Uniform Domain (Name) Resolution Panel and the American Arbitration Association. Kristine is consistently recognized by her colleagues in Minnesota and across the nation for her leadership and excellence.

Education

St. Mary's College of Minnesota
B.A., English Writing, 1994

William Mitchell College of Law
J.D., 1998

Bar and Court Admissions

U.S. District Court, District of Nebraska, 2009
U.S. Court of Appeals for the Federal Circuit, 2007
U.S. District Court, Northern District of Florida, 2006
Wisconsin State Bar, 2004
U.S. Court of Appeals for the Eighth Circuit, 2004
U.S. District Court, Northern District of Illinois, 2002
U.S. District Court, District of Minnesota, 1998
Minnesota State Bar, 1998

Atlanta

Denver

Knoxville

Madison

Minneapolis

New York

Seattle

Washington DC

Kristine M. Boylan (Continued)

Professional Leadership

U.S. Dept. of Commerce, Small & Medium Enterprise International Advisory Program
Volunteer Attorney, IP Rights Enforcement (Brazil, Russia, India, China, Egypt) (2007, 2008, 2009, 2010)

American Bar Association, Intellectual Property Law Section
Chair, Screening Committee, 2008-2009
Nominating Committee, 2008-2009
Chair, Division 2 Committees on Trademarks, 2007-2008
Chair, Committee on International Trademark Rights and Treaties, 2006-2007
Chair, Seminar, Practical Tips on Enforcing and Defending Patents, October 2006
Chair, Committee on State Trademark Rights and Statutes, 2005-2006
Chair, Committee on Unfair Competition, 2004-2005

Federal Bar Association
Minnesota Chapter Board of Directors, 2000-2009
National Board of Directors, 2006-2007
Minnesota Chapter Executive Committee, 2002-2006

Professional Honors

Rising Star, Minnesota Law & Politics, 2010 Atlanta
Rising Star, Minnesota Law & Politics, 2009
Rising Star, Minnesota Law & Politics, 2008
Rising Star, Minnesota Law & Politics, 2007 Denver
Rising Star, Minnesota Law & Politics, 2005
Rising Star, Minnesota Law & Politics, 2004
Rising Star, Minnesota Law & Politics, 2003

Winner, Levit National Writing Competition, Standing Committee on Lawyers' Professional Liability,
American Bar Association, 2001 Knoxville

Legal Policy Intern, United States Patent and Trademark Office, 1997 Madison

Civic Involvement

WomenVenture
Founding Member, Circle of Influence, 2010 Minneapolis

Office of the Federal Defender U.S.D. Minn
Rookie CJA Panel Member, 2009, 2010 New York

Publications, Speaking and Teaching

Panelist, Microsoft 2010 IP Law Summit, University of Texas-Austin (November 2010) Omaha

Moderator, *What Every Lawyer Should Know About Social Media From An IP Perspective*
District of Minnesota Federal Practice Seminar (June 2010)

Author, *Trademark Infringement Remedies* (BNA 2006) (Supp. 2007-present) Seattle
Chapter: *Preliminary Injunctions*

Faculty Member, Instructor, Minnesota Paralegal Institute
Trademarks Class (2007-2009) Washington DC

Moderator, *Hot Topics In Antitrust and Intellectual Property Law*
American Bar Association - Intellectual Property Law Section Spring CLE (April 2006)

Kristine M. Boylan (Continued)

Guest Lecturer, *Intellectual Property Law Survey Course*
University of Saint Thomas Law School (Summer and Fall 2005)

Moderator, *The Use of Private Arbitrators, Mediators and Special Masters in Federal Court*
District of Minnesota Federal Practice Seminar (June 2005)

Speaker, *The Power of Using Digital Forensics In Intellectual Property Cases*
Pike & Fischer Audio Conference (May 2005)

Moderator, *Preparing to Prevail: Preliminary Injunction Practice Pointers*
American Bar Association - Intellectual Property Law Section Spring CLE (April 2005)

Speaker, *Copyright Protection Primer*
Minnesota State Bar Association Construction Law Section (December 2004)

Moderator, *Electronic Evidence and Discovery*
District of Minnesota Federal Practice Seminar (June 2004)

Speaker, *Electronic Discovery*
In-House Presentation, Meagher & Geer, P.L.L.P. (June 2004)

Moderator, *Electronic Evidence in Intellectual Property Law Cases*
Panel, National CLE Conference, Legal Education Institute (January 2004)

Atlanta

Moderator, *Witnesses*
The Minnesota Ultimate Trial Notebook III (October and November 2000)

Denver

Co-Author, *Witnesses*
The Minnesota Ultimate Trial Notebook III (October and November 2000)

New to the Bench: Magistrate Judge Nelson
HENNEPIN LAWYER (August 2000)

Knoxville

Co-Author, *Antitrust Concerns With Licensing Agreements*
MSBA's Antitrust & Business Competition Law Conference (April 2000)

Madison

Judicial Disobedience & The Corporate Right of Publicity in Federal Trademark Dilution Legislation
81 JPTOS 815 (November 1999)

Life After Quality King: A Critique of Copyright Law as a Tool to Police the Grey Market
27 AIPLA QUARTERLY JOURNAL 109 (Spring 1999) (winner, 1998 ASCAP's Nathan Burkan Award - best intra-school copyright paper)

Minneapolis

The Corporate Right of Publicity in Federal Trademark Dilution Legislation
88 TRADEMARK REPORTER 349 (July-August 1998)

New York

Notable Cases

Sportslife Enterprises v. Sportslife Camps, Case No. 91178951 - Won Trial June 2009 of Opposition at the Trademark Trial and Appeal Board over the SPORTSLIFE name. Secured client rights to SPORTSLIFE name.

Omaha

Thurston Manufacturing Company v. Circle R Frame Aligners, Inc., Case No. 08-337 - Won December 2008 Preliminary Injunction after bringing trademark infringement and unfair competition action, involving breach of contract, in federal court against former licensee and competitor. Negotiated March 2009 settlement under which both competitors could operate in a go-forward capacity.

Seattle

United States v. Donald Ray Tate, Case No. 08-30 - Served as December 2008 Trial counsel in the defense of a criminal charge to six person jury in federal court. Representation was provided under the Criminal Justice Act and the District of Minnesota's Federal Public (Conflict) Defender Program.

Washington DC

Kristine M. Boylan (Continued)

Larson Manufacturing Company v. Aluminart Products Limited, Case No. 4:03cv4244 - Served as July 2007 Trial counsel in the successful defense of patent infringement claim in South Dakota federal court (bench) trial. Invalidated the patent at issue.

Fforg, Inc. v. Infinite Campus, Inc., Case No. 06-2448 - Won 2006 Order from the Hennepin County Court Bench denying Motion for TRO (Temporary Restraining Order) on behalf of defendant in breach of employment contract, software license and copyright dispute. Settlement was reached within days of the ruling.

Terrybear, Inc. v. Raj India Trading Corp., Case No. 06-4125 - Brought 2006 design patent infringement action in Minnesota federal court against foreign manufacturer importing knockoff product. Obtained settlement whereby defendant phased - out use of infringing design.

Great Clips, Inc. v. Asad et al, Case No. 06-152 - Brought 2006 trademark enforcement action in the Central District of California federal court on behalf of franchisor. Negotiated favorable settlement.

Diego, Inc v. Audible, Inc., Case No. 05-464 - Defended 2005 patent infringement suit in the Western District of Washington brought by Plaintiff-patent-troll that had purchased patent-at-issue out of bankruptcy. Forced Plaintiff to withdraw Complaint after establishing facts to support serious standing and ownership issues.

Atlanta

Winmark Corporation v. Winmark Equipment Finance, LLC, Case No. 05-953 - Defended 2005 trademark infringement suit in Minnesota federal court over WINMARK name. Reached early settlement to allow ongoing usage.

Denver

TimeMasters, Inc. v. The Kohler Company, Case No. 03-012448 - Tried and won defense of 2004 product liability suit over defective toilet to a six person jury. Costs awarded.

Knoxville

Rottlund Homes v. Pinnacle Corp., et al, Case No. 01-1980 - Handled defense of third-party interests in copyright infringement suit over architectural plans and construction. Culminated in 2004 Trial on the merits in Minnesota federal court.

Madison

Mack v. Newdale School, et al, Case No. 03-4160 - Brought 2003 patent infringement suit in South Dakota federal court to stop the manufacture and use of knock-off mechanical device. Secured favorable settlement for patentee.

Minneapolis

Lutheran Association of Missionary Pilots v. Lutheran Association of Missionary Pilots, Case No. 03-6173 - Defended 2003 ownership and trademark license dispute in Minnesota federal court after parties to a nearly twenty year joint venture separated.

New York

Harstad v. Bruggeman Homes, Case No. 03-3182 - Defended 2003 copyright infringement suit in Minnesota federal court. Negotiated early settlement.

Bayly v. Southwest Windpower, Case No. 01:1525 - Defended trade secret misappropriation and breach of employment contract action in Minnesota federal court. Reached 2002 settlement to facilitate ongoing relationship between parties.

Omaha

B Bros Packaging, Inc v. South/Win Ltd., Case No. 01-955 - Litigated 2001 breach of supplier- distributorship commercial contract suit involving trademark license, ownership and rights of usage issues. Secured favorable settlement for former distributor.

Seattle

Schoolhouse v. Anderson, Case No. 99-1214 - Won copyright infringement suit on behalf of defendant on a 2000 summary judgment motion in Minnesota federal court.

Washington DC