



## Peter A. Gergely

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Peter is a trial attorney focusing on patent, trademark, copyright, trade secret and commercial litigation. He represents clients in the software, medical device, handheld device, pharmaceutical, biotechnology, energy, engineering, water resources, packaging, semiconductor, telecommunications, accounting, consulting, fashion, and healthcare industries.

[www.merchantgould.com](http://www.merchantgould.com)

Peter has achieved an AV peer review rating by Martindale-Hubbell.

### Education

University of Denver College of Law  
*J.D., 1994*

Bowdoin College  
*A.B. Biochemistry and Environmental Studies, 1989*

### Bar Admissions

Colorado, 1994  
U.S. District Court for the District of Colorado, 1995  
U.S. Court of Appeals for the Tenth Circuit, 1996  
U.S. Supreme Court, 2004  
U.S. Court of Appeals for the Federal Circuit, 2009

### Professional Affiliations

Intellectual Property Owners Association (Damages & Injunctions Committee, 2009; Green Technology Innovation Committee, 2010)  
Denver Bar Association  
Colorado Bar Association (Intellectual Property Section, Patent Litigation Committee)  
Federal Circuit Bar Association

Atlanta

Denver

Knoxville

Madison

Minneapolis

New York

Seattle

Washington DC

# Peter A. Gergely (continued)

## Honors

*The Best Lawyers in America*, Intellectual Property Law, 2010 to present

*Chambers USA*, Intellectual Property, 2010 to present

## Notable Cases

### Patent

*City of Aurora, Colorado v. PS Systems, Inc.* (D. Colo.). Prosecuted patent infringement claims against water storage project.

*Brooke Hollow, Inc. d/b/a Gwyneth Shoes v. Antebi Footwear Group, LLC and Paris Hilton* (W.D. Wash.). Prosecuted patent and trademark infringement claims involving shoe design and logo.

*Martin Engineering Company* (D. Colo.). Defended Martin from patent infringement claims directed to industrial dust control systems.

*Timeline, Inc. v. Microsoft Corp.* (W.D. Wash.). Defended Microsoft from patent infringement and contract claims involving database software.

*Constar International, Inc. v. Ball Plastic Container Corp.* (W.D. Wis.). Defended Ball from patent infringement claims involving oxygen scavenging polymers for use in beverage containers.

*Motorola, Inc. and Freescale Semiconductor, Inc. v. Micron Technology, Inc.* (W.D. Tex.). Represented Motorola and Freescale in large case involving numerous patents directed to semiconductor circuitry and processing.

### Trademark

*Crocs, Inc. v. Inter-Pacific Trading, Inc.* (D. Colo.). Defended importer of casual footwear from patent infringement and trade dress claims in district court and International Trade Commission cases.

*Gennie Shifter, LLC v. Lokar, Inc.* (D. Colo.). Prosecuted trademark and copyright infringement claims against competitor.

### Copyright

*Sportsman's Warehouse v. LeBlanc v. Fair* (D. Colo.). Defended wildlife artist from copyright infringement claims.

### Trade Secret

*Junction Solutions, Inc. v. MBS Dev, Inc.* (N.D. Ill & D. Colo.). Represented MBS Dev in three trade secret cases regarding customized Microsoft Dynamics AX source code. Defeated motion for temporary restraining order.

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## Peter A. Gergely (continued)

*Ischemia Technologies, Inc. v. DMI BioSciences, Inc.* (District Court, Denver, Colorado). Defended biotechnology company from misappropriation of trade secret claims directed to biomarker for ischemia. Defeated motion for preliminary injunction after week-long trial.

### **Commercial**

*Grynberg v. Ernst & Young LLP* (D. Wyo.). Defended auditor from False Claims Act allegations that it should have detected alleged underreporting of gas royalties to federal government.

### **Criminal/Pro Bono**

*U.S. v. Petersen* (D. Colo.). Obtained acquittal of individual charged with illegal possession of a firearm.

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