



Regina Vogel Culbert

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Regina Vogel Culbert has over twenty years of litigation experience, and has appeared in state, federal and local courts and alternative dispute resolution forums. She has handled a wide variety of commercial litigation and business disputes involving breach of vendor contracts, failed business purchase agreements, employee non-compete agreements, theft of trade secrets, copyright, trademark, trade dress, patent infringement and unfair competition. She has also litigated disputes involving website design, domain name disputes, rights of publicity, the Digital Millennium Copyright Act, and claims involving allegations of antitrust. Regina also counsels clients on copyright, the use of photographs and other media on the Internet, trademark rights, protection of confidential business information, web site content including privacy policies and end-user license agreements, non-competition and non-disclosure agreements and other written contract issues. She also has experience enforcing her clients' rights at the International Trade Commission. She has tried jury and non-jury trials, and in one case assisted a client in obtaining an arbitration verdict of over \$7 million dollars.

The industries Regina has represented are varied, and include manufacturing, food and beverage, retail, software, health care, insurance and Internet businesses. She also represents and counsels individual artists, writers and small business owners.

She earned her B.A. from Northwestern University and J.D. from Villanova University School of Law. Prior to moving to Seattle, she was a partner in a Philadelphia law firm, and held many leadership positions in the Philadelphia Bar Association where she concentrated on managing programs to provide pro bono legal assistance and legal education programs in schools. She has served as the Chair of the King County Bar Intellectual Property Section, a member of the Trade Secrets Committee of the Intellectual Property Owners' Association and on the Board of Directors of Washington Lawyers for the Arts.

Atlanta

Denver

Knoxville

Madison

Minneapolis

New York

Seattle

Washington DC

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Education

B.A., Northwestern University

J.D., Villanova University School of Law

Bar Admissions

Washington State Bar

U.S. District Court, District of Eastern Washington

U.S. District Court, District of Western Washington

U.S. District Court for the Eastern District of Texas

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Third Circuit

Professional Affiliations

American Bar Association

American Intellectual Property Law Association (AIPLA)

Intellectual Property Owners' Association (IPO)

Washington State Bar Association

King County Bar Association, Intellectual Property Section

Washington Lawyers for the Arts

International Association of Privacy Professionals (IAPP)

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Articles

Co-author, "Competitive Intelligence White Paper," Intellectual Property Owners' Association (2009)

Co-author, "Avoiding Litigation Over Your Confidential Intellectual Property," Washington Technology Center News (Spring 2007)

Co-author, "Protecting Intellectual Property Rights is Vital in Joint Development Projects," Washington Technology Center News (Spring 2006)

Co-author, "Joint Projects Require Intellectual Property Accord," Puget Sound Business Journal (April 21, 2006)

"Internet Transactions Carry Legal Risk," Puget Sound Business Journal (February 2002)

"Protecting Trade Secrets Now Saves Money Later," Puget Sound Business Journal (May 2001)

"Copyright Confusion Can Lead to Legal Quagmire," Puget Sound Business Journal (February 2001)

Lectures

Gina is a frequent lecturer on intellectual property and commercial litigation issues. She has spoken in a wide variety of venues to various professional groups and organizations, including paralegal, attorney and industry groups. The lecture topics include copyright, trademark and employee non-competition issues,

Washington DC

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protection of trade secrets and litigation management and prevention. Some of her recent presentations include:

"Update on Fundamentals of Copyright Protection," Law Seminars International (Seattle, WA, April 2009)

"Proof of Copyright Infringement," Law Seminars International (Seattle, WA, April 2006 - 2008)

"Copyright 101" (Pre-Paid Legal Organization, Minneapolis, MN, April 2006)

"Copyright Issues: How to Manage Your Company's Risks" (Seattle, WA and Portland, OR, January 2004)

"IP Damages and Proof of Claims," Law Seminars Int'l (Seattle, WA, June 2003)

"Walking the Copyright Legal Tightrope on Your Website," (Seattle, WA, January 2003)

Examples of litigation cases Ms. Culbert has handled are:

Patent case. Defended client in patent infringement claim involving systems and apparatus for electronic communication and storage of information. Obtained summary judgment in client's favor.

Patent case. Defended client accused of infringing design patent for handheld video game controller.

Patent case. Prosecuted patent infringement claims in federal district court and at International Trade Commission involving spa cover lift frames. Obtained consent order prohibiting importation of infringing devices.

Atlanta

Patent case. Defended client accused of infringing patent involving Bluetooth technology.

Patent case. Defended client accused of infringing patented ice cream dispenser apparatus.

Denver

Patent case. Defended client accused of false patent marking.

Trademark case. Represented designer water company in trademark infringement action against Italian wine producer and importer.

Knoxville

Trademark case. Represented inventor/seller of infant safety product in trademark litigation.

Madison

Trademark case. Represented provider of educational materials in trademark litigation.

Trademark case. Represented owner of designer home products in trademark infringement action involving tile designs.

Minneapolis

Trade secrets case. Represented designer water company in trade secrets misappropriation litigation, with patent and trademark claims. Jury trial resulted in complete victory for client. At end of trial, judge described Ms. Culbert's cross-examination as "deft, flawless and lethal" and noted she had "disemboweled" the opposing party's case.

New York

Trade secrets case. Represented former employees in trade secrets misappropriation litigation involving elder care referral business.

Seattle

Trade secrets case. Represented employer in trade secrets misappropriation and non-compete case involving a competing new start-up business. Obtained preliminary injunction.

Washington DC

Trade secrets case. Represented dental products manufacturer in trade secrets misappropriation case brought by inventor who claimed product was copied from idea he had submitted to company.

Trade secrets case. Represented client in trade secrets misappropriation and patent infringement litigation

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involving former employee who used secret manufacturing techniques with new employer. Obtained preliminary injunction.

Copyright case. Represented owner of website whose web designer copied text from another site. Negotiated with insurance carrier for coverage and obtained coverage and settlement for client.

Copyright case. Represented manufacturer of doors with window insets accused of infringing copyright on window designs.

Copyright case. Represented owner of copyrighted photograph used by game manufacturer without permission.

Copyright case. Represented designer against retail company who used designer's work without permission in catalogue sales.

Other copyright matters. Ms. Culbert has also provided advice to clients concerning accusations of exceeding the scope of software licenses, infringement of instruction and procedure manuals, improper use of client's catalogue photographs and information, improper use of dance choreography, ownership of copyright disputes and many other types of copyright disputes.

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