



## Timothy B. Scull

303.357.1648  
tscull@merchantgould.com

Denver Office  
1050 Seventeenth Street  
Suite 1950  
Denver, CO 80265-0100 USA

303.357.1670 phone  
303.357.1671 fax

Tim specializes on complex patent portfolio analysis along with strategic prosecution and procurement of patents. He has experience in various technologies, but focuses on software and computer architecture applications. He also provides infringement and validity opinions with respect to existing patents, and has experience preparing and prosecuting trademark applications, as well as providing opinions, with respect to whether potential trademarks may be registered in view of existing marks.

Tim's specific responsibilities and experience includes:

- Patent Prosecution: Tim has drafted over 100 patent applications and been involved in the prosecution of several hundred other applications. He has managed numerous patent portfolios for large and small clients. Some of his past and present representative clients include Microsoft, Seagate, and Storage Tek (now owned by Sun Microsystems).
- Patent and Trademark Related Litigation: Tim has worked on litigation matters in both patent and trademark areas. Exemplary cases include: *Motorola v. Micron* (U.S. District Court for the Western District of Texas): Defended Freescale against semiconductor and computer architecture patents asserted by Micron. *GolfTEC v. Bentley Kinetics* (U.S. District Court for the District of Colorado): Represented owner of patent relating to computerized swing analysis system. *Climax Molybdenum Company v. Molychem LLC* (International Trade Commission): Represented complainant in a trial to ITC relating to patent infringement of molybdenum compound for use as smoke suppressant. *Sierra Funding Corp v. Sierra Funding Group* (U.S. District Court for the District of Colorado): Represented owner of federally registered trademark.
- Opinion and Expert Witness Experience: Tim has drafted and provided over 150 opinions regarding patent infringement and/or validity. Primary technology areas include software and computer architecture. Expert witness on behalf of *Microsoft in Microsoft v. Commission of the European Communities* (Case T-201/04) (Court of First Instance, Luxembourg).

Atlanta

Denver

Madison

Minneapolis

New York

Seattle

Washington DC

# Timothy B. Scull (continued)

- Portfolio Analysis: Tim has supervised teams of attorneys in providing portfolio analysis services to different clients in the areas of electronics and software. He was the lead attorney in providing analysis of Microsoft patent portfolio as it relates to protocols to be licensed in relation to *Case COMP/C-3/37.792 Microsoft* in the European Union.

Tim currently serves as the Managing Partner of Merchant & Gould's Denver office and is the Chair of the Electrical and Computer Office Practice Group.

## Education

Colorado State University  
*B.S., Electrical Engineering, 1992*

University of Colorado Law School  
*J.D., 1996*

## Bar Admissions

Colorado State Bar, 1996  
U.S. Patent and Trademark Office, 1998

## Professional Affiliations

Member, American Bar Association  
Member, Colorado Bar Association Atlanta  
Member, Denver Bar Association  
Member, American Intellectual Property Law Association  
Member, IEEE  
Advisory Board Member for the Colorado Bar Association, Intellectual Property Section Denver

## Awards and Recognitions

Listed in Law Week Colorado "*Barrister's Best*" Best Intellectual Property Lawyer, 2010 Madison  
Listed in Colorado's *Corporate Counsel Black Book*, Intellectual Property Transactions, 2007, 2008  
Listed in *The Best Lawyers in America*  
Listed in *Chambers USA America's Leading Business Lawyers* Minneapolis

## Speaking Engagements

Conference of World Affairs: Moderator for "*What You Don't Know: Immigrant Detention Centers in Our Backyards*" featuring Maria Hinojosa. April, 2011. New York

*Protecting IP Abroad: A Cost Benefit Analysis*, speaker on panel with Bill Harmon of Microsoft and Daniel Lejeune of Gambro, 6th Annual Rocky Mountain Intellectual Property & Technology Institute, June 5, 2008. Seattle

*Drafting Patents to Reach Outside U.S. Borders*, speaker, 5th Annual Rocky Mountain Intellectual Property & Technology Institute, May 25, 2007.

*Protecting Technology - Introduction to Patent Law*, speaker, 4th Annual Rocky Mountain Intellectual Property & Technology Institute: IP for the Non-IP Specialist, May 31, 2006. Washington DC

*Protecting Technology - Patents 101*, speaker, 2005 Rocky Mountain Intellectual Property & Technology Institute and IP 101, April 27, 2005.