

Jonathan D. Jay

"The trial lawyer's challenge, particularly today, is to understand complexity and persuade with simplicity."

After running his own full-service intellectual property law firm in downtown Minneapolis for over a decade, Jon is now a shareholder at Hellmuth & Johnson, leading its intellectual property and insurance defense litigation groups. He is admitted to practice before the state and federal courts of Minnesota and is also admitted to the Supreme Court of the United States, the Federal Circuit Court of Appeals and other federal courts of appeal and federal district courts.

Jon has successfully represented business clients in lawsuits throughout the United States and abroad and has litigated and resolved many complex intellectual property and insurance cases in over thirty different state and federal forums. His specialties include disputes arising from patents, trademarks, copyrights, trade dress, trade secrets, defamation, commercial disparagement, false advertising and residential and commercial first party insurance coverage matters, including cases involving claims of alleged bad faith.

Jon has successfully first-chaired numerous jury cases to verdict in Minnesota, Wisconsin, California, Nevada and Washington.

Representative cases include the following:

Patent Cases

Following an intensive discovery period, including retention of experts, working with foreign witnesses, drafting reports and preparing for hearing, defeated Plaintiff's Motion for Preliminary Injunction upon a court finding that the Patent in Suit was of questionable validity.

Lead responsibility for defense of Minnesota company involved in patent infringement litigation. Case result: Two favorable summary judgment rulings, followed by settlement of case. See *Centennial Molding, Inc. v. Carlson*, 401 F. Supp. 2d 985 (D. Neb. 2005); 2006 WL 346324 (D. Neb. 2006).

Trademark Cases

Lead responsibility for defense representation of California company that pioneered tour and travel packages for "adult swingers" in trademark case. Case result: Following month-long jury trial in Orange County, California, defense verdict in favor of client and award of compensatory and punitive damages in favor of client.

Lead responsibility for defense representation of multi-national retailer in patent, trademark and trade dress lawsuit in Nevada federal court. Case result: Prevailed on summary judgment motions to dismiss patent and trade dress claims; prevailed on motions for sanctions awards against opponent for discovery violations; case tried to jury—defense verdict in favor of retailer. Case appealed to Federal Circuit Court of Appeals, which affirmed all decisions before the trial court in per curiam decision. See *Carpad, Inc. et al. v. Brookstone Company, Inc.*, 2006 WL 2883100 (C. A. Fed. 2006).

Trade Dress Cases

Lead responsibility for defense representation of Arizona manufacturer of after-market auto parts in case with multi-million dollar demands arising from alleged trade dress infringement asserted by client's competitor. Following discovery and depositions, trade dress and related claims all dismissed on summary judgment, leading to resolution and dismissal of case.

Lead responsibility for defense representation of large RV manufacturer in case filed by national competitor where trade dress infringement and other claims alleged. Rule 12 motion to dismiss trade dress claim granted by court. *Forest River, Inc. v. Winnebago Indus.*, 2017 U.S. Dist. LEXIS 20486 (N.D. Ind. Feb. 14, 2017).

Coverage Cases

Lead responsibility in Minnesota federal court for defense representation of USF&G in property insurance coverage dispute over the meaning of "direct physical loss" in business interruption coverage provision relating to "mad cow" losses. Case result: Case initially dismissed on summary judgment in favor of USF&G by district court; policyholder appeal to 8th Circuit, which then reversed; motion for panel rehearing granted by 8th Circuit; original grant of summary judgment reinstated by 8th Circuit. See, *Source Food Technology, Inc. v. USF&G*. 456 F.3d 8374 (8th Cir. 2006) (Reported as Feature Article in *Insurance Litigation Reporter*, Vol. 28, No. 21, December 2006.)

First-chair defense representation of major property and casualty insurance carrier in two-week long jury trial involving claims of fraud, bad faith and breach of contract. Case result: Verdict for defense.