



## NICHOLAS S. KUHLMANN

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### PRACTICE AREAS

- + Litigation
- + Intellectual Property
- + Antitrust and Unfair Competition
- + Class Action Litigation

"Crafting compelling legal strategies from complex facts lies at the heart of my practice."

Nick combines a technical background with extensive experience in intellectual property and commercial matters, from patent prosecution to litigation and trial. Whether enforcing patent rights or protecting consumers, he advances his clients' interests with an eye for detail and focus on concise, persuasive positions. Nick represents clients in patent, trademark, copyright, insurance, and class action cases, including antitrust and other commercial claims.

As a registered patent attorney, Nick has drafted and prosecuted cases primarily in the chemical, mechanical, and medical device fields. He also has advised clients on filing design patents, avoiding potential infringement, and leveraging litigation alternatives, such as post-grant proceedings.

Nick has additional experience in insurance litigation and coverage counseling, advising insurers regarding claims by commercial general liability policyholders. He has assisted in determining coverage for indemnity and defense cost issues, engaged in pre-litigation counseling, negotiated cost-share arrangements with multiple co-insurers and policyholders, and litigated coverage under property and homeowners policies.

Clients rely on Nick for his diversity of expertise and tenacity. Each case requires perspective as to what evidence to pursue and which arguments may prevail. While often seeking to negotiate settlements on favorable terms, he also is prepared to take cases to trial when necessary. "Helping my clients achieve their goals is a tremendous source of satisfaction for me."

Nick has extensive experience and a record of accomplishment evidenced by his handling of the following patent, class action, and insurance matters:

### EDUCATION

J.D.

MARQUETTE UNIVERSITY LAW  
SCHOOL  
Milwaukee, WI

B.A.

UNIVERSITY OF ST. THOMAS  
Saint Paul, MN // Chemistry and  
Mathematics // Magna Cum Laude



- Assisted in the preparation of complaint and discovery on behalf of affected vehicle owners in the Volkswagen "Clean Diesel" class action, a suit seeking compensation for emissions alleged to violate EPA standards, which led to a settlement favorable to vehicle owners
- Prepared arguments that led to court finding non-infringement of patent claims in favor of client
- Handled patent infringement claims against international sporting organization
- Served as lead counsel on suit concerning scratch-resistant polymer coating for eyeglass lenses, including oral argument at dispositive motion hearing which led to negotiation of favorable settlement
- Prosecuted and obtained allowance of patent applications on behalf of inventors in cardiac rhythm disease management and neuromodulation portfolios
- Drafted, prosecuted, and obtained allowance of patent applications for aerospace-related inventions, drafted appeals to the Patent Trial and Appeal Board
- Examined witnesses at jury trial and argued motions in limine, jury instructions, and special verdict form before court in a false advertising suit
- Conducted discovery and depositions in a trademark counterfeiting and RICO action in case involving residential circuit breakers, resulting in partial summary judgment in favor of clients and negotiated settlements on behalf of individual and corporate clients
- Drafted jury instructions for trademark trial that resulted in favorable defense verdict and assisted in drafting appellate brief, upon which the Court of Appeals for the Federal Circuit upheld the verdict
- Represented patentee sued in declaratory judgment action and drafted brief opposing summary judgment of non-infringement that led to published decision and settlement
- Managed coverage positions for third-party bodily injury and property damage claims and negotiated cost share and indemnity allocations with co-insurers and coverage counsel for



- policyholders under various state laws
- Conducted discovery, briefed, and argued summary judgment motion granted in favor of client, confirming application of coverage exclusion in homeowners policy
  - Drafted summary judgment motion that was granted on insurance coverage issue and assisted with drafting appellate brief that the Court of Appeals for the Eighth Circuit granted, reinstating the trial court's original decision following initial reversal

