

W. West Allen

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“I am an intellectual property and federal court attorney who strategically counsels clients from around the world.”

West Allen is an intellectual property litigator and counselor who represents a wide variety of international clients in U.S. Federal Courts. He has extensive experience successfully representing clients in patent, trademark, copyright, trade secret, business, and constitutional law matters. Mr. Allen’s strategic counseling for many U.S. and foreign clients focuses particularly on federal court litigation, dispute resolution, intellectual property prosecution, and intellectual property portfolio management and development. He has prosecuted and defended multiple intellectual property disputes arising from international trade shows, and regularly handles cases involving temporary restraining orders, preliminary injunctions, and questions of federal court jurisdiction. Mr. Allen represents clients in a wide variety of intellectual property proceedings, including arbitrations, mediations, and matters before the U.S. Patent and Trademark Office (USPTO) and Trademark Trial and Appeal Board (TTAB).

Intellectual Property

- Intellectual Property Litigation
- Trademarks
- Copyrights
- Patents
- Business Litigation

Mr. Allen has been elected to serve as the National President of the Federal Bar Association (FBA) for the 2020-2021 term, which is the FBA’s Centennial Year. As a longstanding member of the FBA’s National Board of Directors, Mr. Allen has worked with federal courts, judges, and lawyers across the country on various jurisprudential and intellectual property issues. Additionally, he has testified before the U.S. Senate Judiciary Subcommittee on Bankruptcy and the Courts regarding the effect of sequestration and budget cuts on federal courts.

Mr. Allen founded the Nevada State Bar’s Intellectual Property Section and was elected to serve as that

section's first chair in 2004. Beginning in 2005, he was appointed by the Chief Judge of the U.S. District Court, District of Nevada to serve on the Civil Rules Standing Committee on the Local Rules. He was reappointed to this committee by the Chief Judge in both 2009 and 2011, and was the principal author of the local rules of practice for patent cases in the District of Nevada. Between 2010 and 2019, Mr. Allen was appointed by Nevada's Federal Court to serve on five Merit Selection, Appointment, and Reappointment Panels for U.S. Magistrate Judges, often serving as the committee chair.

As the former chair of the FBA's Government Relations Committee, Mr. Allen helped institute the FBA's "Capitol Hill Day" of advocacy on behalf of the nation's federal courts and its federal judiciary. In 2019, he was appointed by Nevada's two United States Senators to serve on the state's newly created Federal Judicial Commission.

Representative Matters

- Lead counsel in *Halo Electronics, Inc. v. Pulse Electronics, Inc.* after the seminal U.S. Supreme Court decision regarding patent infringement damages issued and the case was remanded back to Nevada. Successfully defended Pulse Electronics against the imposition of enhanced damages and attorney's fees as the court found that this was not an exceptional case warranting further recovery under 35 U.S.C. § 285.
- Intellectual property litigation counsel for one of the largest gaming corporations in the world against multiple non-practicing entities (NPEs) patent infringement actions and other copyright and trademark claims asserted before U.S. Federal Courts and the U.S. Trademark Trial and Appellate Board.
- Lead counsel in first successful invalidation of a U.S. patent in Nevada Federal Court based upon the seminal U.S. Supreme Court case *Alice Corp. Pty. Ltd. v. CLS Bank Intern.* concerning patent ineligibility. Successfully represented NRT Technology Corp and related international parties against Global Cash Access, now Everi Holdings, to have the Federal Court grant a motion to dismiss and find the asserted patent unenforceable.
- Lead Nevada litigation counsel for major international publicly traded software development and support services provider in the largest corporate copyright dispute action in Nevada State history.
- Lead counsel in prosecuting USPTO and U.S. Trademark Trial and Appellate Board proceedings that protect a global family of trademarks on behalf of a worldwide leader in the diving and safari excursion travel industry.
- Lead intellectual property litigation counsel for international NYSE® telecommunications and data center corporation in federal trademark litigation and strategic counseling to protect a worldwide brand name.
- Lead counsel in prosecuting USPTO and Trademark Trial and Appellate Board proceedings that protect a global family of trademarks on behalf of a worldwide leader in textile manufacturing and the luxury hotel linen industry.
- As lead prosecution counsel and defense counsel, successfully negotiated and resolved scores of U.S. Federal Court patent, trademark, copyright, and trade secret intellectual property disputes involving U.S. and foreign companies, including international clients from, among other places, China, Canada, Mexico, Austria, and Australia.
- Lead intellectual property litigation counsel for a start-up tech company in securing an emergency temporary restraining order and court seizure by U.S. Marshals of patent infringing products in widely publicized CES® Consumer Electronic Tradeshow dispute. The case resulted in the

successful ban of the production and sale of the infringing products from a foreign company and changed how many Chinese companies resolve intellectual property cases at international trade shows today.

Education

- University of Illinois Chicago School of Law, 1995
 - J.D
- Brigham Young University, 1991
 - B.S.

Memberships

- Federal Bar Association
 - National President, 2020-2021
 - National Board of Directors, 2010-2014; 2015-2022
 - Chairman, National Government Relations Committee, 2011-2018, and Committee Member, 2007-2018
 - National Government Relations Committee, 2007-present
 - National Treasurer, 2018
 - National Audit Committee, 2012-2013
 - CVP National Chair, 2011-2013
 - Circuit Vice President, 2007-2013
 - Constitution and Bylaws Special Task Force, 2009-2011
 - National Nominations and Elections Committee, 2006-2007
 - Constitution and Rules Committee, 2005-2007
- U.S. District Court District of Nevada Committees:
 - Nevada U.S. Senators' Federal Judiciary Selection Committee
 - U.S. Federal Magistrate Judge Merit Selection and Reappointment Committees, Chair (2016, 2018 and 2019).
 - United States District Court, District of Nevada Local Rules Civil Subcommittees
 - Author of original District of Nevada Local Rules of Practice for Patent Cases (2011).
- Opportunity Village
 - Chairman, Opportunity Village Foundation Board (2022-2024)
 - Board of Directors, 2008-present
- The Nevada American Inn of Court
- Foundation of the Federal Bar Association
 - Life Fellow, 2007-2013
- Alliance for Youth Services/Humanitarian Experience for Youth
 - Advisory Board Member, 2008-2017
- Legal Aid Center of Southern Nevada Children's Attorney Project, Pro Bono Attorney
- Russian Federation Judges Visiting Nevada U.S. District Courts, Delegate

Admissions

- Nevada, 1995
- U.S. Court of Appeals, Second Circuit, 2011
- U.S. Court of Appeals, Seventh Circuit, 2011
- Supreme Court of the United States, 1999
- U.S. Court of Appeals, Federal Circuit, 1999
- U.S. Court of Appeals, Ninth Circuit, 1998
- U.S. District Court, District of Nevada, 1995

Professional Achievements

- *Nevada Business Magazine*, "Top Rank Attorneys", 2022
- *The Best Lawyers in America*®, 2013-2024
 - Las Vegas, Trademark Law, "Lawyer of the Year," 2014
- *Managing IP*, "IP Star," 2014-2017; 2021
- Mountain States *Super Lawyers*, 2010-2023
 - Intellectual Property
 - Top 100 Mountain States Lawyers, 2014; 2018-2019; 2021
- *Nevada Business Magazine*, "Legal Elite," 2011; 2016-2018
- Martindale-Hubbell® AV Preeminent® Peer Review Rating
- Federal Bar Association, National President's Award, 2016
- University of Nevada Las Vegas
 - Internet and Intellectual Property Law, Lecturer and Adjunct Professor, 2002-2004