



Education

J.D., *summa cum laude*, Order of the Coif, J. Reuben Clark Law School, Brigham Young University, 1997

B.S., *summa cum laude*, Mechanical Engineering, Brigham Young University, 1994

Admissions

- Utah State Bar
- Registered Patent Attorney, U.S. Patent and Trademark Office
- United States Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- Utah Supreme Court
- U.S. District Court for the District of Utah

Memberships

- American Intellectual Property Law Association (AIPLA)
- David K. Winder IP Inn of Court
- 2004-2006, Model Patent Jury Instructions Drafting Subcommittee, Federal Circuit Bar Association
- 2003-2005, 2015-present Amicus Committee, American Intellectual Property Law Association
- American Bar Association
- Federal Circuit Bar Association

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David R. Todd's practice focuses on intellectual property litigation, including patent, trademark, copyright, and trade secret litigation, and on client counseling matters requiring expertise in intellectual property law, including analyses of patent infringement and validity. He has participated as counsel in over 25 patent appeals at the U.S. Court of Appeals for the Federal Circuit and in a number of intellectual property actions in federal trial courts and at the Patent Trial and Appeal Board.

Mr. Todd served from 1997-1998 as a law clerk to the Honorable Randall R. Rader at the United States Court of Appeals for the Federal Circuit, which resolves patent appeals from all U.S. district courts as well as all appeals from the U.S. Patent and Trademark Office. Mr. Todd has participated in authoring a number of publications on patent law issues, has lectured on intellectual property issues, and currently serves as an adjunct professor of law at Brigham Young University where he has taught courses in patent law and intellectual property litigation. He has also served as the principal author in amicus briefs filed on behalf of the American Intellectual Property Law Association in cases pending before the United States Supreme Court and the Federal Circuit.

Practice Focus

- Appeals
- Consulting & Opinions
- IP Litigation

Representative Cases

- *International Nutrition Co. v. Horphag Research Ltd.*, 257 F.3d 1324 (Fed. Cir. 2001) (affirming dismissal of complaint).
- *Nautilus Group, Inc. v. ICON Health & Fitness, Inc.* No. 03-1526 (Fed. Cir. Sept. 3, 2003) (granting stay of preliminary injunction pending appeal).
- *Lifetime Products, Inc. v. GSC Technology Corp.*, 97 Fed. Appx. 327 (Fed. Cir. 2004) (affirming grant of preliminary injunction).
- *Free Motion Fitness, Inc. v. Cybex Int'l, Inc.*, 423 F.3d 1343 (Fed. Cir. 2005) (vacating grant of summary judgment of noninfringement).
- *Nautilus Group, Inc. v. ICON Health & Fitness, Inc.*, No. 05-1577 (Fed. Cir. Aug. 17, 2006) (affirming grant of summary judgment of noninfringement).
- *Vita Mix v. Basic Holding*, 581 F.3d 1317 (Fed. Cir. 2009) (affirming grant of summary judgment of no indirect infringement and reinstating invalidity defenses).