

H. DICKSON BURTON

Mr. Burton is the senior litigator at TraskBritt. He is a shareholder and director of the firm and is a member of the firm's three-person Management Committee. His practice emphasizes litigation and counseling in patent, trade secret, and other intellectual property matters. Mr. Burton has successfully led trial teams as first chair in multiple federal jury trials in courts around the country in complex patent infringement, trade secret, trademark, and other cases. He has litigated numerous matters to trial and through appeal in federal and state courts, as well as before various administrative agencies including the Trademark Trial and Appeal Board and the Board of Patent Appeals. Mr. Burton has also successfully handled numerous Internet domain name disputes, significant software piracy matters, and technology and trade secret misappropriation cases. He has served as a mediator, arbitrator and expert witness in various patent and other intellectual property disputes.

Mr. Burton has been named as one of *The Best Lawyers in America* in the fields of Intellectual Property, Commercial Litigation, and Information Technology Law, and to the list of *Mountain States Super Lawyers* as among the top lawyers in the state. He has also been named one of the "Utah Legal Elite" by *Utah Business Magazine*, and has received an "AV" rating, Martindale Hubbell's highest peer-review attorney rating.

Mr. Burton is currently an Adjunct Professor at the University of Utah College of Law, and has written and lectured extensively on the subjects of patent litigation, trade secrets, covenants not to compete, and Internet law. He has made multiple presentations to the Utah State Bar at Annual Meetings. He is also a contributing editor of three books published by BNA Books, including "Trade Secrets: A State by State Survey," "Covenants Not to Compete: A State by State Survey," and "Employee Duty of Loyalty: A State by State Survey."

Some of Mr. Burton's more recent successes obtained for his clients include:

- Summary judgment of infringement and patent validity in an engine cooling system case in Florida federal court.
- An order of dismissal from a Utah District Court of a patent infringement and breach of license agreement claim based on interpretation of a license agreement which case Mr. Burton also won on appeal after the losing party appealed to the Federal Circuit.
- A preliminary injunction in Minnesota federal court in a patent infringement case involving ultrasonic dimensioning devices. After also obtaining an order of contempt when the defendant violated the injunction, the case was successfully settled with a stipulated permanent injunction.
- A favorable jury verdict of patent validity and enforceability in Idaho federal court in an agricultural chemical case following a four-week trial, after first obtaining a favorable claim interpretation and finding of infringement on summary judgment.
- Summary judgment of infringement and patent validity in an engine cooling system case in Tennessee federal court.
- A rare Temporary Restraining Order in New Jersey federal court in a patent infringement case involving nutritional supplements that prevented the offering of an infringing product at a trade show.
- Successful settlement for patent owner after obtaining dismissal of antitrust counterclaims and a summary judgment finding of infringement in Idaho federal court.

Areas of Practice

IP & Other Complex Litigation
Business Counseling & Strategic Planning
Design Patents
Transactional & Licensing
International
Trademark & Copyright

Technology Areas

Internet & E-Commerce
Biotechnology & Pharmaceuticals
Computers, Software & Information
Technology

Professional Experience

- In private practice with the Firm since 1993
- Shareholder and Associate, Watkiss & Saperstein (formerly Watkiss & Campbell), Salt Lake City, 1987-1992
- Associate, Ward, Lazarus, Grow and Cihlar, Washington, D.C., 1983-1987
- Law Clerk, United States Senate Judiciary Committee, 1981

Education

- Brigham Young University, B.A., magna cum laude, 1980 (Presidential Scholar)
- Brigham Young University Law School, J.D., 1983

Bar Admissions

- Utah Bar, 1983
- District of Columbia Bar, 1983
- U.S. Patent and Trademark Office, 2001

Court Admissions

- Utah and U.S. District Court, District of Utah, 1983
- District of Columbia, 1983
- U.S. District Court, District of Columbia, 1984
- Southern District of Illinois, 1995
- U.S. Supreme Court, 1987
- U.S. Court of Appeals for the Second, Fourth, Ninth, Tenth, and Federal Circuit
- *Pro Hac Vice* Admissions in various Federal and State Courts throughout the U.S.

Recent Publications, Presentations and other Activities

- Contributing Editor, *Trade Secrets: A State by State Survey*, published by BNA Books, including cumulative annual supplements
- Contributing Editor, *Covenants Not to Compete: A State by State Survey*, published by BNA Books, including cumulative annual supplements
- *The Art of Patent Infringement Defense*, Managing Intellectual Property, October 2003 (Suppl.), 70.
- *Injunctive Relief as a Remedy for Patent Infringement*, presented at Federal Bar Association Tri-State Seminar on Federal Litigation Practice in Jackson, Wyoming, May 2008
- *Managing Electronic Communications*, presented at 2005 Utah State Bar Fall Forum, Salt Lake City, Utah 2005
- *Patent Damages: Trends and Controversies*, presented at 2005 Utah IP Summit, Salt Lake City, Utah, February 2005

- *Licensing to Win: A Litigation Perspective*, presented to the Licensing Executives Society, Salt Lake City, Utah, March 2004
- *Injunctive Relief Strategies for IP Matters*, presented at the 2004 Utah IP Summit, Salt Lake City, Utah, February 2004
- *E-Commerce Across Borders: Legal Issues for International E-Commerce*, presented at the International E-Commerce Seminar, hosted by Utah Governor Olene Walker at the Governor's Mansion, Salt Lake City, Utah, January 2004
- *Expert and Scientific Testimony in the Post-Daubert Era*, presented to the Utah State Bar Annual Convention, Sun Valley, Idaho, June 2002
- *Trade Secrets and Covenants Not to Compete*, presented to the Utah State Bar Annual Convention, Sun Valley, Idaho, June 2002
- *Protecting Intellectual Property After Festo*, presented to the Utah State Bar Annual Convention, Sun Valley, Idaho, June 2002
- *Internet Law 2001*, presented with Professor Terry Fisher of the Harvard Law School to the Utah State Bar, Salt Lake City, December 2001
- *Intellectual Property Issues on the Internet*, presented at the "E-volution Conference on E-Commerce," Cambridge, England, May 2001
- *Trademarks, Trade Names and Domain Names*, presented to the Utah State Bar Mid-Year Convention, St. George, Utah, March 2000
- *Trade Secrets: Issues and Recent Developments*, presented at the National Intellectual Property Conference, sponsored by the Utah State Bar Intellectual Property Section, Deer Valley, Utah, March 1999
- Co-Chair, Utah State Bar Annual Meeting, San Diego, California, July 2000
- Chair, Utah State Bar Young Lawyers Community Services Committee, 1989-90

Joined Firm

1993

Languages

Spanish