

# Snell & Wilmer

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## David E. Rogers

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### Main Bio

Dave Rogers is a registered patent attorney with over 20 years of experience. He practices patent, trademark, trade secret and unfair competition law, including: litigation and arbitration; trademark oppositions, cancellations and domain name disputes; preparing manufacturing and technology contracts; and patent and trademark preparation and prosecution.

### Intellectual Property and Technology Litigation

He has litigated or arbitrated numerous patent, trademark, unfair competition, copyright, and contract cases for both plaintiffs and defendants, including: representing patent and trademark owners in suits against competitors; defending lawsuits by non-practicing entities, trade dress and product design disputes; asserting and defending breach of contract and fraud claims related to product development, manufacturing, and service contracts; franchisor-franchisee disputes; and the *ex parte* seizure of counterfeit goods. He has shut down numerous internet infringers in the U.S. and internationally, and has prosecuted over 100 trademark oppositions and cancellations.

### Industry and Technological Experience

Prior to attending law school Dave worked for over 11 years in industry, holding positions as a manufacturing manager, marketing and sales manager, and independent manufacturers' representative for, respectively, the Procter & Gamble Co., Schlegel Corporation, and the Gemroi Company. He is experienced in many technologies including: complex machinery, semiconductor manufacturing, mechanical and chemical manufacturing processes, mechanical and medical devices, payment devices (including credit cards) and systems, specialty chemicals, and building materials.

### Seminars

Dave has been a featured speaker on U.S. and international patent, trademark and technology transfer matters at seminars in Singapore, Russia, Malaysia, and the United States, including seminars on intellectual property protection and technology transfer in the United States and China, the relationship between broad patent protection and business value, avoiding and defending patent troll lawsuits, the protection of, and pitfalls associated with, software applications used on mobile devices, and stopping internet infringers.

### Publications

Dave is the co-author of two books on patent and trademark law: "201 Thoughts to Ignite Innovation," which includes business perspectives on the protection of inventions and trademarks; and "Business Success Through Innovation: An Insider's Guide to the World of United States Patents," which explores how the

United States maintains its place as the world's largest economy not through factories and manufactured goods, but through the value of intellectual property, particularly patents. He is also the author of numerous articles on intellectual property, and has been quoted in Forbes.com, the Boston Globe, Law360, The Phoenix Business Journal, and published in Inside Counsel, JD Supra, Intellectual Property Today, American Chemistry, industryweek.com, Engineering Innovation, and ipfrontline.com.

## Education

- Case Western Reserve University (J.D., *magna cum laude*, 1993)
  - Order of the Coif
- University of Rochester (M.B.A., 1984)
- Clarkson University (B.S.Ch.E., 1979)

## Professional Memberships & Activities

- American Bar Association
- State Bar of Arizona
  - Intellectual Property Section

## Representative Presentations & Publications

- "[Trade Dress: What It Is and How to Protect It](#)," Author, Appearing in JD Supra (September 8, 2021)
- "[Appealing the Rejection of a Patent Application](#)," Author, Appearing in JD Supra (October 18, 2019)
- "[Prosecuting a U.S. Trademark Application](#)," Author, Appearing in JD Supra (August 30, 2019)
- "[Obtain Patents with Strategic Value](#)," Author, Appearing in JD Supra (July 1, 2019)
- "[Proper Prosecution of a U.S. Utility Patent Application](#)," Author, Appearing in JD Supra (January 10, 2019)
- "[Using Method Claims to Protect a Device](#)," Author, Appearing in JD Supra (December 17, 2018)
- "[Prosecuting a Utility Patent Application](#)," Author, Appearing in JD Supra (November 21, 2018)
- "[Copying or Reverse Engineering Functional Technology](#)," Author, Appearing in JD Supra (September 28, 2018)
- "[Good News: You Got a Patent. Bad News: It's Worthless.](#)," Author, Appearing in JD Supra (April 10, 2018)
- "[Two-Step Approach to Protect Technology](#)," Author, Appearing in JD Supra (March 27, 2018)
- "[When Does Filing a CIP Application Make Sense?](#)," Author, Appearing in JD Supra (March 14, 2018)
- "[Low-End Patents Usually Have Zero Value](#)," Author, Appearing in JD Supra (March 6, 2018)
- "[Shortsighted Thinking Can Lead to Worthless Patents](#)," Author, Appearing in JD Supra (February 16, 2018)
- "[Patent Applications: When to Use Multiple-Dependent Format](#)," Author, Appearing in JD Supra (January 31, 2018)
- "[Patenting Software Methods](#)," Author, Appearing in JD Supra (January 17, 2018)
- "[Intellectual Property Misconceptions Debunked](#)," Author, Appearing in JD Supra (October 31, 2017)
- "[Fighting Patent Trolls](#)," Author, Appearing in JD Supra (October 16, 2017)

- "[Trademark Rights Based on Common Law or Federal Registration](#)," Author, Appearing in JD Supra (September 7, 2017)
- "[Ten Tips on Preparing and Prosecuting Patent Applications](#)," Author, Appearing in JD Supra (August 17, 2017)
- "[Why Inventions Fail](#)," Author, Appearing in JD Supra (June 20, 2017)
- "[Provisional Patent Applications Versus Utility Patent Applications](#)," Author, Appearing in JD Supra (May 11, 2017)
- "[Considerations When Using Descriptive or Generic Trademark Terms](#)," Author, Appearing in JD Supra (November 15, 2016)
- "[Considerations When Creating Your Brand](#)," Author, Appearing in JD Supra (November 15, 2016)
- "[Generating Wealth Through Inventions](#)," Author, Appearing in JD Supra (October 28, 2016)
- "[Eight Ways to Strengthen Your Patent Portfolio](#)," Author, Appearing in JD Supra (October 4, 2016)
- "[Trademarks, Service Marks, and Trade Dress Key Facts and Pitfalls to Avoid](#)," Author, Appearing in JD Supra (September 26, 2016)
- "[Ten Common Intellectual Property Mistakes](#)," Author, Appearing in JD Supra (September 19, 2016)
- "[Selecting a Patent Attorney and Avoiding Invention Marketing Companies](#)," Author (August 24, 2016)
- "[Patents: Important Facts, Takeaways, and Pitfalls to Avoid](#)," Author (August 24, 2016)
- "[Selecting the Right Intellectual Property Protection](#)," Author, Appearing in JD Supra (July 11, 2016)
- "[Interpreting Utility Patent Claims](#)," Author, Appearing in JD Supra (July 11, 2016)
- "[The History and Purpose of Trademarks](#)," Author (May 17, 2016)
- "[The History, Purpose and Benefits of Patents](#)," Author, (April 5, 2016)
- "[Intellectual property protection strategies: Two case studies](#)," Author, Inside Counsel Magazine (March 17, 2016)
- "[IP 101: How to choose the right protection for your company](#)," Author, Inside Counsel Magazine (March 1, 2016)
- "[It's Time to Make Your Patents Global](#)," Author, Inside Counsel Magazine (January 29, 2016)
- "[Without Intellectual Property Everything Is Free To Copy](#)," Author, Inside Counsel Magazine (July 24, 2015)
- "[Invention: A Path To Financial Independence](#)," Author, JD Supra Business Advisor (July 15, 2015)
- "[The State of Patent Trolls in 2015](#)," Author, Inside Counsel Magazine (July 10, 2015)
- "[United States Patent Application Filings Exceed 600,000 for the Second Straight Year](#)," Author, Inside Counsel Magazine (June 4, 2015)
- "[Generating Wealth Through Patents](#)," Author, Intellectual Property Today (April 2015)
- "[Protecting Your Trademark in the United States](#)," Author, appeared in JD Supra (September 16, 2014)
- "[Maintaining Strong Trademark Rights](#)," Author, appeared in JD Supra (September 16, 2014)
- "[Proper Trademark Selection to Create a Strong Brand](#)," Author, appeared in JD Supra (September 16, 2014)
- "[Keeping America First With Inventions](#)," Author, Inside Counsel Magazine (January 2014)
- "[Misusing Provisional Patent Applications](#)," Author, Inside Counsel Magazine (December 2013)

- "[The Decline of Low-End Patents](#)," Author, Inside Counsel Magazine (October 2013)
- "[Early Lessons from the America Invents Act](#)," Author, Intellectual Property Today (October 2013)
- "[Racing For Protection: Legal changes make it clearer who gets patents and when](#)," Featured, Phoenix Business Journal (April 12, 2013)
- "A Cost-Effective Approach to Maximizing International Intellectual Property Protection (II)," Co-Author, Engineering Innovation (2010)
- "201 Thoughts to Ignite Innovation," Co-Author (2009)
- "Business Success Through Innovation: An Insider's Guide to the World of United States Patents," Co-Author (2009)
- "A Cost-Effective Approach to Maximizing Intellectual Property Protection (I)," Author, Links, a bimonthly publication of the North American Die Casting Association (February 4, 2010)
- "Generating Wealth Through Innovation (II)," Co-Author, American Chemistry (2009)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Intellectual Property Litigation (2016-2022)
- Southwest Super Lawyers<sup>®</sup>, Intellectual Property Litigation (2014-2021)
- IP Star, Managing Intellectual Property Magazine (2014-2019)
- Phoenix Magazine, Top Attorneys in Arizona (2019)
- Southwest Top Lawyers (2018)

## Bar Admissions

- Arizona
- Ohio
- United States Patent and Trademark Office

## Court Admissions

- Supreme Court of Arizona
- Supreme Court of Ohio
- United States District Court, District of Arizona
- United States District Court, Northern District of Ohio
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Federal Circuit