

# John R. Posthumus

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John Posthumus is a brand and technology lawyer with more than 32 years of experience litigating complex intellectual property related disputes and providing sophisticated IP counseling. John is annually ranked in the top tier for IP Litigators by *Chambers Colorado* and was long ranked among the Top 100 Lawyers in Colorado by *Super Lawyers*. He has a national reputation for efficiently handling IP litigation matters and has experience with jury and bench trials in federal courts across the US. John is lead enforcement counsel in trademark, unfair competition and other intellectual property matters for an international real estate company.

Finally, John has shown strong leadership in the legal community. He completed a three-year leadership term for the IP Section of the Colorado Bar Association that included working with Colorado Senator Michael Bennet to draft what eventually became Section 23 (“Satellite Offices”) of the America Invents Act, and subsequently led the Colorado team that successfully pitched the USPTO to award a satellite patent and trademark office to Denver (Dallas and Silicon Valley also awarded offices). John currently chairs the US Amicus Subcommittee (27 members) for the International Trademark Association which is very active in filing amicus briefs in the US Supreme Court and Circuit Court of Appeals.

## Education

- University of New Hampshire Franklin Pierce School of Law (J.D., 1991)
- University of Colorado Boulder (B.S., 1987)
  - Business Administration, emphasis on Corporate Finance
- University of Colorado Boulder (B.S., 1987)
  - Electrical Engineering and Computer Science

## Bar Admissions

- Colorado, 1991

## Court Admissions

- U.S. District Court, District of Colorado
- Tenth Circuit Court of Appeals

## Capabilities

- Intellectual Property Litigation
- Intellectual Property
- Commercial Litigation
- Technology
- Litigation
- Post Chevron
- Educational Resources & Updates
- Trademark, Copyright & Branding Litigation

- Federal Circuit Court of Appeals

## Memberships

### Leadership

- International Trademark Association, International Amicus Committee, 2018 – Present
  - U.S. Amicus Subcommittee of the International Amicus Committee, Member 2018 – 2023; U.S. Amicus Subcommittee Chair 2021-2023
  - Famous and Well-Known Marks Committee, 2016 – 2017
  - Emerging Issues Committee – Issues Identification Subcommittee, 2010 – 2011
  - Dilution and Well-Known Marks Committee – North America Subcommittee, 2004 – 2009
- State of Colorado, Office of Economic Development, Member, Advance Industries Electronics Committee, 2020 – Present
- Colorado Bar Association Foundation Fellow, 2011 – Present
- Colorado Bar Association, Intellectual Property Section Chair, (2010 – 2011); Vice Chair (2009 – 2010); Secretary & Treasurer, 2008 – 2009
- Appointed to Special Task Force that Harmonized the Model State Trademark Bill with the Federal Trademark Dilution Revision Act, 2007.

### Philanthropy

- Disability Law Colorado
  - Member, Board of Directors and Executive Committee, 2008 – 2017
  - Vice President of the Board, 2012 – 2013
  - President of the Board, 2014 – 2015

## Recognition

- Selected for inclusion in *IAM's* Global Leaders list, United States: Colorado, 2026
- *Managing Intellectual Property*, IP Stars – Notable Practitioner, 2024-2025
- World Trademark Review's 1000 List, Silver - Colorado, 2023-2026
- Ranked in *Chambers USA: America's Leading Lawyers for Business* for the following:
  - Intellectual Property, Colorado, Senior Statespeople, 2021-2025
  - Intellectual Property, Colorado, Band 1, 2018-2020
  - Intellectual Property, Colorado, Band 2 and 3, 2009-2017
- Selected to Top 100 Colorado Lawyers by *Super Lawyers* (2012-2021)
- Named to *5280 Magazine* "Denver's Top Lawyers" list for Intellectual Property: Litigation, 2012-2026
- Selected for inclusion in *IAM Patent 1000* "Global Leaders Guide," 2021
- Selected for inclusion in *Best Lawyers in America*® for:
  - Litigation - Intellectual Property, 2026
  - Litigation - Patent, 2018-2026
- Selected for inclusion in the IAM Patent 1000 list of the World's Leading Patent Practitioners, 2019-2021, 2024-2025, Colorado - Gold Litigation
- Awarded 2015 Metropolitan Cooperation Award by Metro Denver Economic Development Corporation
- Linn Inn Distinguished Service Medal, 2013
- Awarded "Top Thinker" in the Business category by *The Denver Post*, 2012
- Lawyer of the Year by *Law Week Colorado*, 2012
- Runner-Up *The Denver Post Business* Leader of the Year, 2012
- Awarded Powerbook Industry Leader in Law Category by *Denver Business Journal*,

2012

- Recognized by *Denver Business Journal* “People to Watch,” 2012
- *Martindale-Hubbell AV*<sup>®</sup> Preeminent<sup>™</sup>

## Matters

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- *RE/MAX LLC v. Shenzhen Remax Co., Ltd.* (Represented RE/MAX in obtaining a Judgment for violation of Section 43(c) of the Lanham Act (Dilution by Blurring) against a Chinese company distributing “Remax” products in the U.S. and enforced the Judgment to take down Defendant’s “Remax” products sold through third-party e-commerce entities).
- *Zahourek Systems, Inc. v. Balance Body University, LLC* (Represented Balance Body and obtained judicial dismissal of Plaintiff’s claims for breach of contract, trademark infringement, unfair competition, and misappropriation. The only remaining claim for copyright infringement is set for trial in 2021).
- Represented Pulitzer Prize-winning author in a successful negotiation of motion picture contract with Focus Features – resulting movie was later nominated for multiple Academy Awards, including Best Picture.
- *Oralabs, Inc. v. Kind Group LLC* (Represented Oralabs in declaratory judgment action involving trade dress and design patent claims asserted by Defendant, who was the owner of the EOS brand lip balm product. Successfully settled claims to Oralabs’ benefit the day before the start of lengthy jury trial).
- *NextFoods, Inc. v. Societe Des Produits Nestle S.A. et al.* (Represented NextFoods to successfully resolve trademark and trade dress infringement claims against Nestle’s introduction of new beverage product).
- *Four Winds Interactive LLC v. 22 Miles, Inc.* (Successfully resolved Four Winds’ claims for patent and copyright infringement arising from Defendant’s software. During the course of the matter, completed a lengthy source code review with the assistance of a technical expert).
- *915 Labs, LLC. v. Peterson* (Represented 915 Labs to successfully resolve claims against a former officer/employee for breach of an employment agreement, unjust enrichment and trade secret violations).

## Publications

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February 22, 2023

**Trademark Law Year in Review: 2022-23**

*Presenter, Chicago Bar Association, Young Lawyers Section, Intellectual Property Committee*