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## Tyson K. Hottinger

*Attorney at Law | Shareholder*

Tyson K. Hottinger is a Shareholder in Maschoff Brennan's Orange County office with an extensive background that includes patent, copyright, trademark, trade dress infringement, misappropriation of trade secrets, and a variety of complex commercial litigation and pre-judgment remedies.

As a trusted advisor and experienced litigator, Mr. Hottinger has represented some of the world's largest companies in the software, fitness equipment, financial products and services, biotechnology, health services, automotive, and solar industries. He is admitted to both the California and Utah bars and has tried cases across the United States and internationally.

Mr. Hottinger's experience also includes strategic counseling as outside general counsel for several companies, where he is able to apply his creative and cost effective approach to business planning and dispute resolution.

Mr. Hottinger has been selected as a Rising Star by Southern California Super Lawyers every year since 2013.

### Education

- J.D., with honors, S.J. Quinney College of Law, University of Utah, 2007
- B.S., Finance, University of Utah, 2004

### Practice Focus

- Complex Commercial Litigation
- Patent Infringement

- Trademark Infringement
- Trade Dress Infringement
- Copyright Infringement
- Misappropriation of Trade Secrets
- Breach of Contract
- Unfair Business Practices
- Commercial Finance
- Products Liability
- Pre-Judgment Remedies

## Professional Admissions & Associations

- California State Bar
- Utah State Bar
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Federal Circuit
- Central District of California
- Northern District of California
- Eastern District of California
- Southern District of California
- Northern District of Illinois
- Southern District of New York
- Eastern District of Pennsylvania
- Eastern District of Texas
- District Court of Utah
- Western District of Wisconsin
- Orange County Bar Association
- Federal Bar Association
- Association of Business Trial Lawyers

## Representative Matters

## **Patents**

- ForeverGreen v. Pruvit (Eastern District of Texas) – patent infringement action involving preliminary injunction filings resulting in favorable settlement and licensing arrangement for client.
- ICON Health & Fitness, Inc. v. Kettler International, Inc. (Dusseldorf, Germany) – patent infringement case resulting in favorable settlement for client
- ICON Health & Fitness, Inc. v. Kettler International, Inc. (Munich, Germany) – patent nullity proceeding resulting in favorable settlement for client on day of trial
- ICON Health & Fitness, Inc. v. Park City Entertainment (District of Utah) – patent infringement proceeding resulting in favorable settlement for client after claim construction
- Obtained numerous victories for the world’s largest manufacture of home fitness equipment in patent infringement, trademark, and advertising cases (Northern District of Illinois, Eastern District of Pennsylvania, Western District of Washington, Western District of Wisconsin, Central District of California)

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## **Trade Secrets**

- Soli-Bond, Inc. v. Hampton, et al. (Kern County Superior Court) – successfully obtained a temporary restraining order preventing former employee from disclosing client’s trade secret method of stabilizing and solidifying contaminated soils from oil and gas exploration

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## **Trademarks**

- SA International, Inc. v Signs.com (District of Utah) – successfully defended (including dismissal of claims against individual shareholders) and prosecuted counterclaims against a competitor’s trade mark claims

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## **Restrictive Covenants (non-competition and non-solicitation agreements)**

- Vivint Solar v. Ryan Salmon (Utah State Third District Court) – successfully obtained a temporary restraining order and preliminary injunction after a several day evidentiary hearing freezing certain stock options of a former executive based upon violations of a non-compete agreement
- SolarCity v. Vivint Solar (San Mateo County Superior Court) – successfully defended against numerous applications for temporary restraining orders concerning employees’ non-solicitation agreements

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## **Software**

- Represented several international software companies in licensing disputes all resulting in favorable settlements (District of Utah)

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## **Class Actions**

- KT Health, LLC v. Vuckovic (District of Massachusetts) – Defended client in false advertising class action resulting in favorable settlement for client
- Defeated class certification in several wage and hour cases (various California state courts)

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## **Product Liability**

- Obtained numerous product liability victories for the world’s largest pool equipment manufacturing company (various California state courts)
- Obtained numerous product liability victories for a large forklift manufacturer (various California state courts)

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## **Financial Institutions**

- Continental Business Credit, Inc. v. Checkmate Cash Advance Centers, LLC, et al. (Central District of California) – successfully obtained summary judgment finding that defendants committed fraud under validity guaranties
- Obtain numerous judgments and prejudgment remedies, including writs of execution and attachment and appointment of receivers for large financial institutions (various California state and federal courts)