

David R. Barnard

PARTNER

david.barnard@stinson.com

Direct: 816.691.2608

Office: Kansas City



An experienced first-chair IP litigator and problem-solver, David uses creativity to resolve disputes successfully and early whenever possible.

David co-chairs our IP litigation group and has first-chaired patent, trademark, false advertising, copyright, trade secret, software development and ownership and other commercial disputes in courts throughout the U.S. He leverages more than 20 years of experience litigating intellectual property disputes to inform his case-by-case approach to litigation and obtain successful outcomes for his clients. He uses this same experience to counsel clients on IP portfolio strategy, risk management and agreements.

In 2012, David obtained what was then the fifth-highest false advertising verdict in U.S. history. David's litigation experience informs his ability to provide IP business counseling focused on practical advice and results to a wide range of companies: agribusiness, food and beverage, software, health care, retail, manufacturing, financial institutions, life sciences, probiotics, internet, marketing and media. He advises on a wide range of IP issues, including patent and trademark portfolios, clearance and risk management, licensing, creating strong trade secret protection programs, as well as creating company-wide IP identification and protection programs.

PRACTICES & INDUSTRIES

- Intellectual Property & Technology
- Franchise & Distribution
- Entertainment & Media
- Copyright Litigation
- Patent Litigation
- Patent Preparation & Prosecution
- Post-Grant Proceedings
- Trade Secret Litigation
- Trademark, Trade Dress, False Advertising & Unfair Competition Litigation

ADMISSIONS

- Kansas
- Missouri
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri

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EXPERIENCE

AOB Products v. Good Sportsman Marketing LLC - Represented nationally known sporting goods company in the District of Delaware, enforcing utility patents and trademarks. Obtained early consent injunction and settlement. See [press release](#) from *PR Newswire*.

First chair defending food equipment manufacturer in three utility patent dispute in the Eastern District of Missouri with successful reversal of preliminary injunction by Federal Circuit and PTAB final determinations in IPRs finding all challenged claims of all three patents invalid.

Defending nationally-known retail company in patent dispute in the Western District of Texas.

Served as mediator successfully settling trademark infringement dispute filed in the District of Kansas.

Healthy Fiber LLC v. The Kroger Co. (E.D. Tx. 2017); IPR2018-00824 – First chair defending The Kroger Co. in the Eastern District of Texas against claim of patent infringement based on sale of products containing chemically modified food starch. Led defense for Kroger and MGP Ingredients, Inc. in related IPR. PTAB IPR institution decision finding all challenged claims likely invalid on multiple grounds. Case successfully settled with ongoing business solution. Featured in *Law360*.

First chair defending nationally-known telecom company in utility patent infringement case in the Eastern District of Texas.

First chair defending nationally-known telecom company in utility patent infringement case in the Northern District of Ohio.

First chair defending nationally-known retail company in copyright infringement case in the Southern District of New York.

U.S. District Court for the District of Colorado

U.S. District Court for the Western District of Michigan

U.S. District Court for the Eastern District of Michigan

EDUCATION

University of North Carolina, J.D., *with honors*, 1996

Westminster College, B.A., *summa cum laude*, 1993

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First chair defending nationally-known retail company in seven utility patent infringement case in the District of Utah. Obtained early dismissal.

Represented American Outdoor Brands in patent litigation involving five patents covering features of AOB's Frankford Arsenal® Intellidropper® electronic powder measure that resulted in an amicable settlement and further protected the client's intellectual property.

RECOGNITIONS

Recognized by *World Trademark Review 1000*, Bronze Band, United States: Missouri and Kansas, 2022, 2023, 2024

Chambers USA, Recognized Practitioner, 2016 - 2019

BTI Consulting Group, Top 30 Client Service All-Stars, 2016

Managing Intellectual Property, "IP Stars," 2013 - 2016

The Best Lawyers in America®, 2010 - 2024

Missouri and Kansas Super Lawyers, 2010 - 2022

Missouri and Kansas Super Lawyers, Rising Star, 2008

Missouri Lawyers Weekly, "Up and Coming Lawyers," 2008

PROFESSIONAL & CIVIC ACTIVITIES

KC PBS, Board of Directors, 2020-Present

KC Tech Council, Industry Leadership council, 2020-Present

KC Tech Council, Board of Directors, 2017-Present

KC Rising, Leadership Volunteer, 2016-Present

Kansas City Metropolitan Bar Association, Publications Committee, 2007-2018

- Co-Chairman, 2012-2015

The Missouri Bar

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Kansas Bar Association

KC FilmFest – Board of Directors, 2011-2016

- Chairman 2012-2015

NEWS

AOB Reaches Amicable Settlement in Patent Litigation Case, Stinson Attorneys Serve as Lead Patent Counsel

03.22.2024

World Trademark Review Recognizes Stinson's IP Practice, Three Attorneys in WTR 1000 Rankings

02.12.2024

Super Lawyers Recognizes 29 from Stinson on Missouri and Kansas Top Lists

11.14.2023

Stinson IP&T Attorneys Secure Injunction and Settlement for American Outdoor Brands

09.28.2023

175 Stinson Attorneys Selected to the 2024 *Best Lawyers in America* List

08.17.2023

Chavez, Barnard Examine Social Media's Legal Risk for Companies, Third Parties in *Bloomberg Law*

08.04.2023

Stinson IP&T Attorneys Assist in Protecting American Outdoor Brands' Intellectual Property, Secure Agreement to End Litigation

04.21.2023

Stinson Attorneys, Minneapolis Office Earn Recognition in *World Trademark Review's* WTR 1000 Rankings

03.09.2023

Super Lawyers® Recognizes 26 Stinson Attorneys in Missouri and Kansas

11.14.2022

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

World Trademark Review Recognizes Stinson Attorneys, Minneapolis Office in WTR 1000 Rankings

03.14.2022

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Stinson Attorneys Assist Manufacturing Client in Securing Permanent Injunction in Patent Litigation
03.03.2022

Super Lawyers Recognizes 21 Stinson Attorneys in Missouri and Kansas
11.15.2021

103 Stinson Attorneys Selected to the 2022 *Best Lawyers in America* List
08.19.2021

Stinson Attorneys Named to 2020 Kansas & Missouri *Super Lawyers* and Rising Stars
11.16.2020

112 Stinson Attorneys Selected to the 2021 *Best Lawyers in America* List
08.20.2020

SPEAKING ENGAGEMENTS

"Intellectual Property Update," Business Law Update Webinar, May 2020

"Intellectual Property Update," Kansas City Business Law Update, March 2020

"Marketing Compliance: Copyright, Trademark & False Advertising," Marketing Matters Series, Nonprofit Connect, November 2019

Panelist, "Evolution of IP & Trends in Industry," AON and Stinson LLP CLE Program, June 2019

Speaker, "Intellectual Property Litigation Hot Topics," Stinson LLP's 2019 Business Law Update, Kansas City, MO, February 2019

Panelist, "Bet the Company Litigation – Insurance and Intellectual Property Litigation," Stinson Leonard Street's 2018 Business Law Update, Wichita, KS, April 2018

Speaker, "Patent Venue post TC Heartland," LAKC's 10th Annual IP CLE Program, February 2018

Panel Moderator, "Corporate Counsel's 7th Annual IP Trademark, Copyright & Licensing Forum: Strategies for Safeguarding Your Brand in the Digital Era," The University Club, New York, NY, November 2015

Speaker, "Litigation in the Technology Era: Regulatory and Litigation Risks from Social Media Advertising," Lathrop & Gage State of Litigation conference, June 2014

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Speaker, "Top 10 Legal Pitfalls for Content Generators, Social Media Club of Kansas City," February 2014

PUBLICATIONS

"Social Media's Rise Makes Insurance Crucial for Most Companies," *Bloomberg Law*, August 2023

"Changes Reshape IP Litigation Landscape in Kansas," *Kansas City Business Journal*, July 2017

"Review of the Central Park Five," *KC Counselor*, April 2013

"Food False Advertising Class Actions on the Rise," *Inside Counsel*, January 2012

"Photoshop: The Next False Advertising Risk?" *Inside Counsel*, November 2012

Co-author, "Model Order Has Import Beyond Patent Cases," *National Law Journal*, January 2012

Justices Clarify Scope of Anti-Hacking Law

06.10.2021