

Darin J. Gibby

Partner

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Services

Adversarial Patent ProsecutionSM
 Asset Creation - Prosecution &
 Counseling
 Biologics & Pharmaceutical Patent
 Litigation
 Intellectual Property
 Licensing, Transactions &
 Monetization
 Market Protection - Opinions &
 Dispute Avoidance
 Patent Due Diligence
 Patent Litigation
 Patents
 Post-Grant Proceedings

Industries

Automotive
 Chemicals
 Consumer Goods
 Electronics & Computer
 Technology
 Energy
 Financial Institutions
 Financial Services
 Fintech
 Food, Restaurant & Beverage
 Health & Life Sciences
 Home Furnishings
 Medical & Surgical Devices
 Oil & Gas
 Retail & Consumer Goods
 Technology



Darin Gibby is a key partner and member of the firm's Executive Committee. He was instrumental in launching the Denver office in 1995, and since that time has spearheaded its growth and emergence as one of the largest patent firm in Denver. Mr. Gibby is recognized by *Chambers USA* as a one of Colorado's top intellectual property lawyers and "a top choice for a range of matters including post-grant reviews, licensing matters and patent prosecution." According to the 2017 edition of *Chambers USA*, Mr. Gibby is praised for his "in-depth legal analysis" and "creative approaches to problems."

Mr. Gibby has over 20 years of experience and focuses his practice on intellectual property counseling, transactions, and licensing matters as well as patent prosecution. He has extensive experience handling the



intellectual property aspects of mergers and acquisitions. He counsels start-ups and small businesses on intellectual property challenges to help maximize their portfolios to make them attractive acquisition targets. In addition, he manages several large patent portfolios for *Fortune* 500 companies.

Mr. Gibby handles patent prosecution and licensing for clients in a wide range of industries, including software and financial transaction systems, medical devices, drug delivery systems, telecommunications, food products, sporting goods, automotive parts, biotechnology-related devices, and Internet-related technology. He has obtained significant patents on drug delivery systems, insulin formulations, atherectomy and imaging catheters, CPR methods, chemical synthesizing systems, computer peripherals, software, sporting goods, cheese making processes, disk drive heads, baby products, and electro-surgical medical devices. He is experienced in post-grant proceedings, and reexamination and interference procedures, including invalidating a significant patent covering dynamic currency conversion. Mr. Gibby also regularly provides freedom-to-operate opinions, as well as invalidity and noninfringement opinions.

As part of his practice, Mr. Gibby routinely visits the U.S. Patent Office in Alexandria, Virginia, having interviewed hundreds of cases. His strategy focuses on working with examiners, rather than resorting to the appellate process. As a result, he has a working relationship with numerous examiners across many art units.

Mr. Gibby has received many accolades and is regularly recognized by leading publications for his work in intellectual property law. He was ranked No. 1 in intellectual property by *Chambers USA* in 2019 and the eight years immediately preceding. Mr. Gibby was recognized in *The Best Lawyers in America*® in 2018 and the five years immediately preceding, and he was named a 2014 “Denver Lawyer of the Year” in the area of patent law by *The Best Lawyers in America*®. Mr. Gibby was named an “IP Star” by *Managing Intellectual Property* magazine in 2019 and the six years immediately preceding. He was recognized as a top patent practitioner in 2019 and the six years immediately preceding by *IAM Patent 1000*. Mr. Gibby was named by Legal Media Group to its *2013 Guide to the World's Leading Patent Practitioners*. He was named a Colorado “Super Lawyer” by *5280 Magazine* and *Super Lawyers* magazine in 2006, again in 2019 and the seven years immediately preceding, and was also recognized as a Colorado “Top 100 Super Lawyer” in 2014. He was one of eight Denver attorneys to be selected as a 2011 BTI Client Service All-Star. Mr. Gibby was selected as a “Life Science Star” in the 2017 and four immediately preceding editions of *LMG Life Sciences*. *Law Week Colorado* named Mr. Gibby as Barrister's Best Patent Lawyer in 2010, Colorado's Best Patent Attorney in 2009, and 2008 Lawyer of the Year for expanding the law office by 40 percent. Mr. Gibby was also selected as Barrister's Best in 2013 in the category for Colorado's Best Intellectual Property Law (non-litigator) by *Law Week Colorado*. He was recommended by *Legal 500 US* in 2016 for Patent Prosecution.

Experience

Kilpatrick Townsend filed an infringement lawsuit on behalf of Hunter Douglas Inc., manufacturer of window



coverings and architectural products, and Andrew J. Toti Testamentary Trust against Norman International for infringement of window covering patents. Norman responded by filing eight IPRs on four patents in the lawsuit. Kilpatrick Townsend successfully argued that six of the IPR trials should not be instituted, and was able to limit the IPR trials to just three claims total on the other two petitions. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Numbers IPR2014-00276, IPR2014-00282, IPR2014-00283, IPR2014-00286, IPR2014-01173, IPR2014-01174, IPR2014-01175, and IPR2014-01176.

Successfully defended ex parte reexamination of patent for international equipment company.

Handling inter partes reexamination for large cheese manufacturer.

Successfully defended two reexaminations of the same patent during litigation for food service company.

Successfully defended six ex parte reexams for international money transfer company.

Education

Brigham Young University - J. Reuben Clark Law School, J.D. (1993) *magna cum laude*, *Order of the Coif*

Brigham Young University, M.B.A. (1993)

Brigham Young University, B.S., Mechanical Engineering (1990) *cum laude*

Admissions

Colorado (1996)

California (1993)

Court Admissions

U.S. Patent and Trademark Office (1994)

Professional & Community Activities

International Federation of Intellectual Property Attorneys, Member

International Association for the Protection of Intellectual Property, Member

Insights

[News Releases](#)

Kilpatrick Townsend Receives High Rankings in 2019 IAM Patent 1000

July 11, 2019



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Kilpatrick Townsend Attorneys Named 2019 Managing Intellectual Property IP Stars
June 17, 2019

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Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019
May 2, 2019

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Seven Kilpatrick Townsend Attorneys Named 2019 Colorado Super Lawyers
March 25, 2019

[Events](#)

Ethical Considerations Relating to the Duty of Disclosure and IDS Practice
March 5, 2019

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019
August 20, 2018

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Kilpatrick Townsend Recognized in 2018 IAM Patent 1000
July 2, 2018

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Kilpatrick Townsend Attorneys Named 2018 Managing Intellectual Property IP Stars
June 19, 2018

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2018
May 11, 2018

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Seven Kilpatrick Townsend Attorneys Named 2018 Colorado Super Lawyers
March 27, 2018



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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Kilpatrick Townsend Attorneys Named 2017 Managing Intellectual Property IP Stars
June 27, 2017

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Kilpatrick Townsend Receives High Rankings in 2017 IAM Patent 1000
June 8, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017
May 30, 2017

[Alerts](#)

The Abstract Swing: Major League Problems In Patent Law
May 16, 2017

[In The News](#)

Kilpatrick Townsends Darin Gibby Quoted in the Denver Business Journal's Special Section "The Law Book: Intellectual Property" re: "Times Are a Changin': Patent Law in U.S. Undergoing Massive Revision."
April 7, 2017

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Five Kilpatrick Townsend Attorneys Named 2017 Colorado Super Lawyers
March 22, 2017

[Publications](#)

The Abstract Swing: Major League Problems In Patent Law
February 8, 2017

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017
August 16, 2016



[In The News](#)

Kilpatrick Townsend's Media Report July 1-14, 2016

July 15, 2016

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Kilpatrick Townsend Recognized by Prestigious 2016 Legal 500 US

June 20, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named to 2016 IAM Patent 1000

June 2, 2016

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

[News Releases](#)

Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars

May 26, 2016

[In The News](#)

Kilpatrick Townsend's Media Report March 24 - April 14, 2016

April 15, 2016

[News Releases](#)

Three Kilpatrick Townsend Attorneys Named 2016 Colorado Super Lawyers

March 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report December 3-10, 2015

December 11, 2015

[Publications](#)

Alice is Lost in Wonderland

November 30, 2015



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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016
August 19, 2015

[In The News](#)

Kilpatrick Townsend's Media Report July 23-30, 2015
July 31, 2015

[In The News](#)

Kilpatrick Townsend's Media Report June 26 - July 9, 2015
July 10, 2015

[In The News](#)

Kilpatrick Townsend's Media Report June 19-25, 2015
June 26, 2015

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Twenty-Two Kilpatrick Townsend Attorneys Named to 2015 IAM Patent 1000
June 18, 2015

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015
May 22, 2015

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Twenty-Nine Kilpatrick Townsend Attorneys Named 2015 Managing Intellectual Property IP Stars
May 6, 2015

[In The News](#)

Kilpatrick Townsend's Media Report April 17-23, 2015
April 24, 2015

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Six Kilpatrick Townsend Attorneys Named 2015 Colorado Super Lawyers
March 18, 2015