

Jonathan W. Fountain

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“I litigate intellectual property and complex business disputes in the federal and state courts.”

Jonathan has appeared in hundreds of intellectual property cases pending in the United States District Court for the District of Nevada and in other federal courts located throughout the country. He principally handles trademark, copyright, and patent infringement cases, as well as cybersquatting, trade secret, and internet litigation. He obtains and defends against requests for injunctions and obtains emergency court orders permitting the seizure of counterfeit and infringing goods displayed at major Las Vegas tradeshows, such as CES, SEMA, AAPEX, and Magic. He recovers disputed internet domain names and websites and handles online infringement and defamation claims. In addition to litigating intellectual property cases, Jonathan regularly litigates complex business cases, including franchisor-franchisee disputes, corporate ownership and control disputes, and disputes involving breach of contract, fraud, and tortious interference claims.

Business Litigation

- Intellectual Property Litigation
- Franchising
- Business & Corporate
- Hospitality
- Gaming

Representative Matters

- Represented restaurant franchisor in dispute with terminated consultants. Successfully identified anonymous internet speaker who allegedly sent defamatory emails to franchisees.
- Represented restaurant franchisor in disputes with franchisees alleging fraudulent inducement of franchise agreements. Successfully litigated and mediated resolutions of disputes.

- Represented healthcare franchisor in mediation over terms of franchise agreement.
- Represented publicly held cannabis company against a lawsuit brought by its former chief executive officer alleging trade secret misappropriation and usurpation of corporate opportunities. Successfully defended the company against a motion for preliminary injunction.
- Represented shoe manufacturer in connection with enforcement of its design patents and trademarks. Successfully obtained and executed order permitting the seizure of shoes displayed at the World Shoe Association tradeshow.
- Represented restaurant owners in defense of trademark infringement claims brought by national steakhouse. Successfully negotiated settlement of dispute.
- Represented Las Vegas casinos in multiple trademark infringement and cybersquatting cases against foreign nationals operating online casinos using counterfeit trademarks. Successfully obtained orders shutting down the websites.
- Represented nutritional supplement manufacturer in connection with the enforcement of its patents and trademarks. Successfully obtained and executed order permitting the seizure of nutritional supplements displayed at SupplySide West tradeshow.
- Represented healthcare companies in defense of trademark infringement claims brought by public university.
- Represented owner of retail stores in action against anonymous registrant of domain names used in blackmail scheme. Obtained an order identifying registrant.
- Represented developer of commercial navigation software in connection with enforcement of its copyrights against manufacturers of in-dash automobile navigation systems.
- Represented production company in defense of copyright infringement claims brought by Las Vegas stage show performer. Successfully negotiated settlement of claims.
- Represented online fantasy sports provider in defense of patent infringement claims. Successfully obtained transfer of venue.
- Represented technology licensing company in patent infringement action against foreign television manufacturer. Successfully negotiated settlement of dispute.
- Represented smartphone manufacturer in defense of patent infringement case.
- Represented Las Vegas resort hotel/casino and corporate parent in defense of breach of contract action related to purchase of hotel room keys. Obtained dismissal for lack of personal jurisdiction.
- Represented bar owner in defense of shareholders' derivative and direct claims for fraud in connection with the sale of his membership interests in the bar. Successfully obtained dismissal of the action.
- Represented tire manufacturer in connection with enforcement of its trademarks. Successfully obtained and executed order permitting the seizure of tires displayed at SEMA tradeshow.
- Represented shoe manufacturer in defense of trademark infringement claims. Obtained an order striking plaintiff's expert report and obtained summary judgment on behalf of shoe manufacturer.
- Represented firearms manufacturer in defense of patent infringement action.
- Represented internet marketing company in an action to enforce its trade secret claims against its former chief technology officer and competitor. Successfully obtained an emergency temporary restraining order and preliminary injunction.
- Represented manufacturer of liner motor conveyor system in connection with enforcement of its patents against competitor.

- Represented Las Vegas resort hotel/casino in defense of copyright infringement claims based on display of artist's works in hotel rooms.
- Represented Las Vegas resort hotel/casino and its corporate parent in defense of copyright infringement action concerning casino carpet design.
- Represented a retailer in a breach of contract case against a seller of counterfeit major league baseball jerseys. Obtained a favorable jury verdict after trial.
- Represented regional accounting firm in defense of accounting malpractice claims at trial. Successfully obtained a post-mistrial dismissal of the case as a discovery sanction.
- Represented international business machine manufacturer in defense of antitrust and copyright infringement claims brought by a competitor.

Education

- University of Michigan Law School, 2001
 - J.D.
- University of Nevada, Las Vegas, 1998
 - B.A., *cum laude*, Political Science

Admissions

- Nevada, 2007
- Michigan, 2002

Professional Achievements

- *Desert Companion Magazine*, "Top Lawyers of Southern Nevada," 2014
 - Civil Litigation
- *Nevada Business Magazine*, "Legal Elite," 2012
 - Civil Litigation and Intellectual Property