

David C. Spellman

Shareholder
spellmand@lanepowell.com
206.223.7392



Areas of Practice

David Spellman is a shareholder with the Intellectual Property Litigation Group. David has represented clients in a wide variety of disputes involving commercial relationships, construction, consumer protection, corporate governance and rights, government regulations, insurance, intellectual property, inventors, licensing, marketing, personal injuries, real estate, retail, unfair business practices, white collar crime and other areas. David is an advocate in trials, alternative dispute resolution proceedings, hearings and public meetings. He serves as an advisor to clients negotiating transactions and has been selected by parties as an arbitrator to decide disputes.

Professional Experience

David has been a lawyer with Lane Powell since graduating from law school.

Admitted to Practice

David is admitted to law practice in Washington and before the federal courts in Eastern and Western Washington, the federal court of claims, and the federal court of appeals for the Ninth Circuit.

Academics

David graduated with honors from Georgetown University Law Center in 1985 where he was an editor of the *American Criminal Law Review*.

David graduated with honors from Seattle University with a degree in philosophy and completed Seattle University's two-year seminar program where members study in a chronological manner the art, thought, history, and great works of civilization.

Practice Group and Specialty Team Memberships

Antitrust and Trade Regulation
Appellate
Business Crisis Management and Emergency Remedies
Construction
Financial Institutions
Intellectual Property and Technology
Litigation
Real Estate
Securities Litigation
White Collar Criminal Defense, Regulatory Compliance and Special Investigations

Representative Matters and Clients

Recent Successful Appeals

Humphrey Indus., Ltd. v. Clay Str. Assocs. L.L.C., _ P.3d _ (Wn. Nov. 10, 2010) (holding the company failed to comply with dissenters' rights statute, remanding for a decision on whether dissenter is entitled to recover fees, and reversing fee award in favor of company).

Richards ex rel. Brown v. Wells Fargo Bank, N.A., 239 P.3d 602 (Wn. App. Aug. 23, 2010) (affirming summary judgment dismissal and holding federal reverse mortgage program did not provide an express or implied right of action against lender).

Seattle-Tacoma Int'l Taxi Ass'n v. Port of Seattle, 2010 WL 2283621 (Wn. App. Jun. 7, 2010) (affirming denial of preliminary injunction to prevent the signing of concession contract).

Davis v. Wells Fargo Home Mortg., 2007 WL 2039077 (Wn. App. July 17, 2007) (affirming summary judgment dismissal of claims for emotional distress and negligence and holding the economic loss rule applied).

Recent Jury Trial

“Seattle attorney David Spellman, ... pummeled school administrator during cross-examination ... Spellman tried, in particular, to show that the teachings seen by Knight as appropriated by Weaver could easily be items of public domain.” Keri Brenner, “Attorney Grills JZ Knight about ex-student,” *Seattle Times*, September 10, 2008.

David along with members of various Lane Powell teams has prosecuted and defended clients in the following types of cases:

Intellectual Property

Victims of cybersquatting.

Parties asserting and defending copyright and trademark claims.

Parties asserting and defending patent claims.

Parties to development and licensing agreements.

Multinational company which successfully resolved a \$30 million dispute over the development, commercialization, and supply of a new line of health and functional food products.

A co-author who received an arbitration award and judgment for copyright infringement against a leading manufacturer of homes.

A local manufacturer which received a jury verdict for willful infringement of trademark against a national medical products distributor.

A local restaurant which received a preliminary injunction enjoining trademark infringement by a national chain and resulted in the national chain changing its name.

A sign company which received a preliminary injunction enjoining trademark infringement against a national company.

A celebrity speaker who was accused of unfair competition.

Companies which received orders enjoining use of trade secrets.

Defendants which defeated temporary restraining order and preliminary injunction motions.

Commercial and Contract Disputes

A Fortune 500 company which received relief permitting the sale of a business unit and the denial of an injunction against the sale.

Parties in securities lawsuits and in proceedings brought by the Securities Exchange Commission.

A whistleblower who reported science and security fraud and obtained relief.

A citizen group which prevailed in an appeal to reverse an injunction that had prevented an initiative from being placed on the ballot.

A timber company seeking relief from the effects of federal forest laws on a long-term contract and related property.

A local government which defeated a general contractor's claim on summary judgment.
A local government which defeated a bid protest in the trial court and on appeal.
A software company which vacated an adverse arbitration award.
A contractor which prevailed on an appeal of an adverse decision involving a lien claim.
A transportation company which defeated a competitor's bid protest.
A manufacturer which sued a national manufacturer and distributor of products for pets for breach of contract, false advertising and mislabeling.
A subcontractor which received a monetary award against a general contractor.
A bankrupt mining company which sought from its executives the return of assets transferred shortly before the appointment of a receiver.
Lumber wholesalers prosecuting a racketeering suit against Canadian wholesalers, lumber graders, and related individuals and companies, which had participated in the sale of millions of dollars of misgraded lumber causing building inspectors to shut down projects in Western Washington for several weeks in 1990.

(Because each case depends upon unique circumstances, these prior results are merely representative and should not create an expectation about results in any individual case.)

David also has experience in constitutional, antitrust, price discrimination, and franchise law and government investigations and regulatory proceedings on the state and national level.

Publications

"Premature Post-mortem for the Implied Duty of Good Faith and Fair Dealing in Washington Contract Law," *Antitrust, Consumer Protection and Unfair Business Practices* No. 21, Summer 2002 at 6-10 (Co-author)

"Rule 52: Decisions, Findings and Conclusions," *2 Washington Civil Procedure Deskbook* at 52-1, WSBA 1992, 1997, 2002, & 2006 (Co-author)

"Antitrust and Unfair Competition Issues Involving Intellectual Property," *Washington Consumer Protection, Antitrust and Unfair Business Practices Law Developments (Second)* at 295, WSBA 2001 (Co-author)

"Competing for Talent and Protecting Business Value: Non-Compete Agreements and Trade Secret Law in Washington," *Fifth Annual Intellectual Property Institute* at 2-1, WSBA March 2000 (Co-author)

"Restraints of Trade," *Washington Consumer Protection, Antitrust and Unfair Business Practices Law Developments (Second)*, WSBA 1988, 1993, & 2001 (Co-author)

"1993 Supplement" to *Washington Consumer Protection, Antitrust and Unfair Business Practices Law Developments (Second)*, WSBA 1993 (Associate Editor)

Speaking Engagements

David has taught classes on antitrust, price discrimination, trade secrets, and other areas of the law including recently "Mis-LEED[®]ing Advertising and Marketing".

Awards and Honors

Peer Review Rated "AV" in Martindale-Hubbell
Listed as one of the "Top Intellectual Property Lawyers" by *Seattle Metropolitan* magazine

Professional and Community Activities

David is a member of national, state, and local bar associations. He is a frequent author in bar publications. He donates his expertise and time to community organizations and campaigns.