

Timothy S. DeJong – Shareholder



Tim DeJong is a litigator emphasizing intellectual property, securities and complex business disputes. Tim has experience in litigation matters involving patent infringement, trademark infringement, trade secrets, class actions, violations of state and federal securities statutes, financial fraud, stockbroker malpractice, surety law, ERISA, construction defect, insurance coverage and employment-related disputes.

Tim joined the firm more than 20 years ago, after a two-year clerkship with Hon. Robert E. Jones of the United States District Court (Oregon). Tim is listed in *Best Lawyers in America* as a top intellectual property litigator and as a "Litigation Star" by *Benchmark Litigation*. *The Portland Business Journal* recognized Tim as among the "Best of the Bar" in the field of intellectual property. In 2011, Tim was twice named to the "Top 50" list of *Oregon Super Lawyers*. In 2017, Tim was named as a Recognized Practitioner in *Chambers USA* for Intellectual Property.

Tim has the unprofessional distinction at age 50 of singing for a punk rock band. He is an avid collector of vinyl records.

Representative Cases:

Securities Class Actions:

- Tim has represented investors in some of the most significant Oregon securities class actions, including class actions involving securities issued by Louisiana-Pacific Corporation, Assisted Living Concepts and Southern Pacific Funding Corporation.
- Tim is currently representing investors in the various Aequitas companies in a class action against accounting firms Deloitte and EisnerAmper and two law firms.
- Tim is also defending a financial institution in a proposed class action relating to the securities of the Berjac companies.

Intellectual Property:

- Tim has represented numerous companies and individuals in all types of intellectual property and trade secrets disputes, involving a wide variety of technologies.
- Obtained \$1.1 million for Columbia Industries in suit against former engineers for misappropriating trade secrets relating to equipment for oil and gas drilling operations.

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- Represented Vanguard Products Group in various suits against infringer of patented electronic cord reel management and security system for retail displays. Obtained summary judgment of infringement, consent judgment and permanent injunction, and subsequent finding of contempt.
- Represents Too Marker Products, a Japanese maker of high-end art markers, in litigation against infringers of its trademarks.
- Successfully defended CrossFit in a trademark dispute, which resulted in the plaintiff assigning its registered trademark to CrossFit, dismissing its claims with prejudice and entering into a consent judgment and permanent injunction.
- Represented patentee of "short magnum" firearms and ammunition against major firearms and ammunition manufacturers Winchester and Browning. Obtained summary judgment of infringement.
- Represented defendants accused of misappropriating plasma physics trade secrets.

Business and Commercial Litigation:

- Tim has represented businesses in a wide variety of industries in disputes ranging from breach of contract to surety law claims.
- Obtained preliminary injunction preventing prime government contractor from terminating multi-million-dollar contract for supply of helicopters in Afghanistan.
- Successfully defended Columbia Sportswear against trade secrets claims relating to heated jackets. Plaintiff dropped its case with summary judgment pending.

Internal Investigations:

- Tim recently completed an internal investigation of potential accounting irregularities for a public company. The investigation concluded that no illegal act had been committed.

Other Securities and Financial Fraud Matters:

- Tim represents both plaintiffs and defendants in a variety of claims relating to securities and financial fraud, including, institutional investors, individual investors and broker-dealers.
- Represented institutional investor in an opt-out action against American International Group ("AIG") for violation of Oregon Securities Laws, resulting in an \$8 million settlement.
- Successfully defended developer accused of Oregon Securities Law violations in connection with tenancy-in-common ("TIC") interests. Plaintiffs abandoned multi-million-dollar lawsuit after discovery and while summary judgment was pending.

Consumer and ERISA Class Actions:

- Tim recently completed a class action on behalf of homeowners forced to purchase overpriced and excessive flood insurance in a class action against Bank of America, resulting in a \$31 million settlement. Tim is representing plan participants in claims asserting that excessive fees were charged in violation of ERISA.

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Professional Experience:

- Stoll Berne; associate, 1994-2000; shareholder, 2001-present;
- Hon. Robert E. Jones, United States District Court, Portland, Oregon; law clerk 1992-1994;
- Betts Patterson & Mines, P.S., Seattle, Washington; associate 1991-1992

Education:

- University of Oregon, J.D., Order of the Coif, top 10% of graduating class, 1991
 - Recipient of the American Jurisprudence Awards (highest grade in class) for Criminal Law, and for Trusts and Estates
 - Oregon Law Review, associate editor, 1990-1991
- Western Washington University, B.A., with honors, 1988

Admitted to Practice:

- Washington State Bar, 1991
- Oregon State Bar, 1994
- United States District Court, Oregon and W.D. Washington
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals for the Federal Circuit

Professional Activities:

- Oregon State Bar
 - Securities Regulation Section, Chair, 2008
 - Business Litigation Section, Executive Committee, 2008-present
 - Intellectual Property Section, Chair-Elect, 2013
- Campaign for Equal Justice
 - Board of Directors, 2005-2009; Advisory board, 2009-present
- Oregon Trial Lawyers Association
 - Business Litigation Section, chair, 2001-2002