



Arthur B. Berger

Shareholder

801-323-3372
aberger@rqn.com

Practice Areas

Direct Selling
Intellectual Property
Litigation
Winter Sports Practice Group

Mr. Berger is the Managing Director of Ray Quinney & Nebeker and a member of the firm's Intellectual Property section. Mr. Berger has served on the firm's Executive Committee since 2009.

Mr. Berger's practice focuses on prosecuting and defending commercial litigation matters, and emphasizes intellectual property litigation, including patent, trademark, trade dress, copyright, and trade secret litigation. He assists a wide variety of local, regional, and national businesses in protecting and enforcing their intellectual property rights. Among other representations, Mr. Berger served as the lead intellectual property enforcement counsel for the Salt Lake Organizing Committee for the 2002 Olympic Winter Games. Mr. Berger has assisted clients in matters involving medical and electronic devices, software piracy, trademark counterfeiting, and Internet domain name disputes. He has also assisted clients in formulating and implementing brand protection strategies. Mr. Berger also regularly handles trademark opposition and cancellation matters before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.

Mr. Berger is recognized in Chambers USA in Intellectual Property Law (Band 2). He has been included on the list of The Best Lawyers in America[®] 2020 in Intellectual Property Litigation and in Commercial Litigation and was recognized by Best Lawyers as the 2016 Intellectual Property Law "Lawyer of the Year." He maintains an AV Preeminent (4.7) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. Mr. Berger has also been selected for inclusion in Mountain States Super Lawyers (2007-2018) in the category of Intellectual Property Litigation. He was listed as one of the Mountain States Super Lawyers Top 100. This list highlights attorneys who received the highest point totals in the Utah nomination, research, and blue ribbon review process. Mr. Berger has been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2004-2019).



Mr. Berger served as the firm's Financial Director from 2009 to 2015 and as chair of the firm's Associates' Committee from 2000 to 2008.

EDUCATION

University of Utah, J.D., 1993

- Editor-in-Chief, Utah Law Review

Colgate University, B.A., Political Science, 1988

- Minor: Philosophy
 - Pi Sigma Alpha, National Political Science Honor Society
-

PRIOR PROFESSIONAL EXPERIENCE

- Law Clerk to the Honorable David K. Winder, Chief Judge, United States District Court for the District of Utah 1994
-

ADMITTED TO PRACTICE

- Utah State Bar
 - United States District Court for the District of Utah
 - United States District Court for the District of Colorado
 - United States Court of Appeals for the Tenth Circuit
-

AFFILIATIONS / MEMBERSHIPS

- American Bar Association, Litigation and Intellectual Property Sections
 - Utah State Bar, Litigation and Intellectual Property Sections
 - International Trademark Association
-

PROFESSIONAL AND CIVIC ACTIVITY

- Utah Supreme Court Oversight Committee for the Office of Professional Conduct, 2019-present
- Utah Supreme Court Committee to Respond to the American Bar Association's "Utah Report on the



Lawyer Discipline System" recommending changes to the Utah Supreme Court's disciplinary system and process, 2017-2018

- Chair, Ethics and Discipline Committee of the Utah Supreme Court, 2006-2009
- Chair, Utah State Bar Intellectual Property Section, 2002-2003
- Pro Bono Representation, Landlord-Tenant Possession Bond Project, Utah Legal Services, 1997-2003
- Small Claims Judge Pro Tempore, 1996-2000
- Board of Trustees, National Multiple Sclerosis Society, Utah Chapter 1993-1996
- Advisory Committee, Utah Law Review, 1994-1995

PUBLICATIONS / PRESENTATIONS

- Ethics Issues for Defense Counsel, a panel discussion presented to the Utah Defense Lawyers Association Annual Conference, September 18, 2009
- The Utah State Bar Disciplinary Process, a presentation to the Ethics Interim Committee of the Utah State Legislature, August 19, 2009
- Arbitrating Domain Name Disputes Before WIPO, presented to the Utah State Bar Cyberlaw Section, April 10, 2008
- Brand Protection, a panel discussion presented at The Outdoor Retailer Trade Show, January 23, 2008
- Obtaining or Avoiding Personal Jurisdiction in Utah Based on Internet Activity, a panel discussion presented to the Cyberlaw Section of the Utah State Bar, May 25, 2005
- Law Firm Economics, a panel discussion presented at the annual meeting of the Young Lawyers' Division of the American Bar Association, February 11, 2005
- Injunctive Relief Strategies for IP Matters, a panel discussion presented at the Utah State Bar Intellectual Property Section's Annual Utah IP Summit, February 20, 2004
- Protecting Your Agency's Intellectual Property: What You Should Know About Trademark and Copyright Law and Why You Should Care, presented at the annual convention of the Alliance of Information and Referral Systems Convention, June 4, 2002
- IP Lessons from the Salt Lake 2002 Olympic Winter Games, presented to the Utah State Bar Intellectual Property Section, April 23, 2002
- Considerations in Protecting Brand Identity, presented at the Lawyer's Rocky Mountain Regional



Conference, March 9, 2002

- The Attorney-Client Relationship, presented at a Utah State Bar Ethics Seminar/Fundraiser for the Bar's equal access to justice campaign, January 11, 2002
- Forming and Terminating the Attorney-Client Relationship in Utah, presented at Lorman Education Services Seminar, "Legal Ethics in Utah," December 2000
- Note, *Wilson v. Seiter*: An Unsatisfying Attempt at Resolving the Imbroglio of Eighth Amendment Prisoners' Rights Standards, 1992 Utah L. Rev. 565
- Development, Right to Privacy in Bank Records Under the Search and Seizure Provision of the Utah Constitution, 1992 Utah L. Rev. 201