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Biographical Information

David Quittmeyer is a member of the Law Firm of Hand Arendall Harrison Sale LLC in Mobile, Alabama. He received his B.A. degree in 1981 from The University of Virginia. He received his J.D. degree in 1984 from The University of Virginia. He has been licensed to practice law in Alabama since 1984. He has continuously practiced law with the firm since that time.

David has extensive experience in the areas of intellectual property law, commercial litigation, commercial transactions, and real estate mortgage law. He has focused particularly on intellectual property advice and disputes in the areas of copyright, trademark, and patent law.

David is a member of the Intellectual Property Section of the American Bar Association and a member of the Intellectual Property Section of the Alabama State Bar Association. He has been included in the publication *The Best Lawyers in America* continuously since 1999 in the field of intellectual property law. In 2009-2010, he served on the Model Trademark Act Committee of the Alabama State Bar, which drafted amendments to Alabama's Trademark Act that were adopted by the Alabama legislature in May 2010.

He has handled numerous intellectual property disputes in the federal and state courts of Alabama and before the Trademark Trial and Appeal Board in Washington, D.C. (Alexandria, Virginia). David has handled numerous non-litigated intellectual property matters including matters related to cease and desist demands, negotiations regarding the same, licensing agreements, trade secrets, non-disclosure

agreements, co-existence agreements, and settlements. He has filed numerous applications with the United States Patent & Trademark Office and with the U.S. Copyright Office. He has testified as an expert witness in federal court regarding attorneys' fees in intellectual property matters. He is registered as a mediator with the Alabama Center for Dispute Resolution in the practice areas of Intellectual Property, Trademark, Copyright, and Commercial Litigation.

David has a broad range of experience in commercial and corporate matters. Particular areas of his practice include:

Corporate governance. David has advised corporate officers, directors, and shareholders on rights and obligations under Alabama law. He has handled numerous lawsuits involving shareholder oppression, corporate squeeze-outs, breach of fiduciary duty, and derivative claims. He was involved in two of the leading reported Alabama cases in this area: *Fulton v. Callahan*, 621 So. 2d 1235 (Ala. 1993); and *Stallworth v. AmSouth Bank*, 709 So. 2d 458 (1997).

Antitrust. David has experience in antitrust counseling and litigation, primarily involving issues under both state and federal law of pricing, distribution, and non-competition agreements. He has represented clients involved in investigations by the Department of Justice and the Federal Trade Commission.

Admissions

- Alabama State Bar, 1984
- Supreme Court of Alabama
- U.S. District Court for the Southern District of Alabama
- U.S. District Court for the Middle District of Alabama
- U.S. District Court for the Northern District of Alabama
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Second Circuit
- United States Supreme Court

Education

- J.D., University of Virginia School of Law, 1984
- B.A., University of Virginia, with high distinction, 1981
- Edinburgh University, Scotland

Additional Information

Civic and Professional affiliations

- Administrative Law Judge and Fair Hearing Officer for the Alabama Health Planning and Development Agency. Appointed by Gov. Bob Riley in 2003. Dates of service: 2003–2007.
- Expert witness in the U.S. District Court for the Southern District of Alabama on the issue of attorney's fees: Denny Manufacturing Co., Inc. v. Drops & Props, Inc., Case No. 1:09-cv-0021409-KD-M (Judge Kristi DuBose).
- Mobile Bar Association, since 1984 (former Treasurer (1989) and member of Executive Committee)
- Alabama Bar Association, since 1984—Section member: Appellate Practice; Business Torts & Antitrust Law; Intellectual Property, Entertainment & Sports;
- American Bar Association—Section member: Intellectual Property Law;
- Alabama Law Institute: Model Trademark Act Committee (2009–2010);
- U.S. Department of Commerce, Certificate in International Trade Leadership Series (administered through the Mobile Chamber of Commerce, 2015).
- Trinity Episcopal Church, Mobile
 - Chancellor, Vestry Member, Senior Warden, Search Committee Chairman
- Episcopal Diocese of the Central Gulf Coast
 - Standing Committee (equivalent to Board of Directors), twice President
 - Ecclesiastical Court (2003–2006)
 - Wilmer Hall Children's Home: former member of Board of Trustees
 - Member, Commission on Prison Ministries
 - Murray House: former member of Board of Trustees
- Volunteer Mobile, Inc.; former member of Board of Directors.
- Mobile Symphony, Inc.: Former Board Chair; Current Chair, Artistic Committee
- Protestant Episcopal Church in the USA (national level)
 - National Budget Committee (2011–present)
 - Budgetary Funding Task Force (2009–2012)
 - Special Task Force on Leadership and Compensation (2015–2018)
 - Special Task Force on the Budgetary Process (2018–2021)
- University of Virginia Alumni Club, Mobile Chapter (since 1984)
- WHIL Public Radio – Former Secretary and Board member

Publications/Speeches

- Contributor: How to Protect and Mine Your IP; Business Alabama, April 2015
- Foreclosure Procedures in Alabama; National Business Institute, December 2011

- Ethical Considerations Related to Foreclosures in Alabama; National Business Institute, November 2009
- Judicial Foreclosure in Alabama; National Business Institute, November 2009
- Environmental Issues in Mortgage Foreclosures; Alabama Bar Institute, January 1992
- Large Scale Real Estate Auctions: A Legal Overview; Alabama Bar Institute, May 1991
- Foreclosure Techniques and Alternatives; Alabama Bar Institute, April 1990

Awards

- Martindale-Hubbell® rated AV-Preeminent®
- Best Lawyers in America (2001 to present)
Commercial Litigation, Intellectual Property Law, Litigation – Patent
- IP Stars 2016—Trademark Law, Patent Law
- Who's Who Legal USA: Trademarks 2006
- Outstanding Lawyers of America—2003
- Mobile Bar Association, Certificate of Commendation—Pro Bono Work

Representative Reported Cases

- *Mueller v. Hartford Ins. Co.*, 475 So. 2d 554 (Ala. 1985) (summary judgment was affirmed in favor of insurance company client in an arson case);
- *State Dept. Indus. Rel. v. NYCO*, 513 So. 2d 650 (Ala. Civ. App.1989) (affirming trial court judgment for employer client in a workers compensation case);
- *Tanner v. Church's Fried Chicken*, 582 So. 2d 449 (Ala. 1991) (affirming summary judgment in favor of client corporate defendant, holding that the implied covenant of good faith and fair dealing in a contract does not provide an independent cause of action absent some other breach of the contract);
- *Fulton v. Callahan*, 621 So. 2d 1235 (Ala. 1993) (establishing elements and remedies for squeeze out and oppression in close corporations);
- *Textron Financial Corp. v. Hayes*, 619 So.2d 1363 (Ala.1993) (a spin-off of the Callahan case, limiting the right of a court-appointed receiver to avoid payment under a letter of credit)
- *Stallworth v. AmSouth Bank*, 709 So. 2d 458 (Ala. 1997) (affirming summary judgment for officer/director clients and establishing precedent regarding derivative and personal shareholder actions);
- *Lucente v. IBM*, 75 F. Supp. 2d 169 (S.D.N.Y. 1999); 117 F. Supp. 2d 336 (S.D.N.Y. 2000); 310 F.3d 243 (2d Cir. 2003) (employment and non-compete case).
- *Bedsole v. Goodloe*, 912 So. 2d 508 (Ala. 2005) (reversing injunction, thereby allowing client to pursue a personal shareholder action);

- RCH IV-WB, LLC v. Wolf Bay Partners, L.L.C., 78 So. 2d 395; (Ala. 2011); R&G, LLC et al., v. RCH IV-WB, LLC 122 So. 3d 1253 (Ala. 2013) (enforcing a debt in favor of institutional investor client);
- Merchants Bank v. Head, 161 So. 3d 1151 (Ala. 2014) (reversing judgment against bank client, thereby allowing it to enforce a personal guaranty on a defaulted loan).
- ZP NO. 314, LLC, v. ILM Capital, LLC, 335 F. Supp. 3d 1242 (S.D. Ala. 2018) (defeated motion for summary judgment in trademark infringement case).
- ZP NO. 314, LLC, v. ILM Capital, LLC, No. 16-521, 2019 WL 4924029 (S.D. Ala., September 30, 2019) (post-trial order finding liability for trademark infringement and unfair competition).
- ZP NO. 314, LLC, v. ILM Capital, LLC, No. 16-521, (S.D. Ala. May. 28, 2020) (final order granting permanent injunction, damages, costs, and attorneys fees).



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