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Kristen M. Smith

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Areas of Focus

Practice

Corporate, Finance and Capital Markets

Intellectual Property

Litigation

Kristen focuses her practice on a wide variety of intellectual property issues ranging from counseling to litigation.

She advises clients in a variety of industries on domestic and international trademark strategy, licensing and enforcement matters including managing intellectual property portfolios for several prominent higher education institutions and non-profit organizations. Additionally, clients frequently rely on her counsel with trademark clearance searches and prosecution of trademarks with the United States Patent and Trademark Office.

Kristen also represents clients in intellectual property litigation matters before federal district and appellate courts across the country as well as in Trademark Trial and Appeal Board proceedings. In these matters, she regularly analyzes infringement claims, prepares complaints and counterclaims, engages in motion practice in all phases of disputes from pleading to trial and has extensive experience managing discovery.

Kristen also has both transactional and litigation experience with franchising and distribution matters. She regularly negotiates and drafts franchise disclosure documents, franchise agreements, and termination and release agreements. Clients frequently rely on her guidance on regulatory

compliance matters, issues related to breach of system standards, terminations, and contract disputes.

While in law school, Kristen was a Managing Editor for the Villanova Environmental Law Journal and served as a judicial intern for the Hon. Arnold L. New, in the Philadelphia County Court of Common Pleas.

Experience

- **National Home Appliance and Electronics Company** – plaintiff in a trademark infringement case in the District of Delaware resulting in a permanent injunction and award of wrongful profits affirmed by the Third Circuit
- **Medieval Dinner Theater Entertainment Company** – plaintiff in a trademark infringement case in the District of New Jersey that garnered national attention
- **National Candy Confectioner** – defendant in a trademark infringement case in the Eastern District of Pennsylvania
- **Fractional Laser Medical Device Company** – defendant in a trademark infringement case in the District of New Jersey
- **International Home Goods Distributor** – defendant in a patent infringement and trade dress infringement case in the District of New Jersey
- **Car Wash Chain** – defendant in a copyright infringement case in the Western District of Kentucky
- **Data Analytics Company** – defendant in multiple patent infringement cases in the District of Delaware
- **Entertainment and Gaming Company** – defendant in a copyright infringement case in the Eastern District of Pennsylvania
- **National Home Healthcare Franchise Company** – plaintiff in multiple trademark infringement and breach of contract cases

Affiliations

- American Bar Association
- International Trademark Association
- International Franchise Association

Education

- Villanova University School of Law, J.D., Dean's Scholar
- The Pennsylvania State University, B.S.

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court of the District of New Jersey
- U.S. District Court for the Eastern District of Pennsylvania