Foster Garvey

Benjamin J. Hodges

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Overview

Ben is a registered patent attorney and focuses on guiding clients' IP portfolios and protecting clients through litigation when necessary.

Ben's litigation experience includes managing complex civil litigation cases of all types, including post-grant IP matters, patent, unfair competition, trademark and trade dress, copyright, property disputes and breach of contract cases. He also handles litigation related to the Consumer Protection Act, false advertising and defamation claims as well as constitutional issues. He also has experience in cases involving preliminary injunctive relief.

His technology practice involves litigation and also counseling small and large companies on all types of issues impacting their companies, including guiding IP prosecution efforts. He has counseled individuals and companies in services industries, manufacturing, telecommunications, software, food and consumables, petroleum refining, internet and media and transportation.

Ben also maintains an active pro bono practice. His pro bono work includes counseling and litigation for veterans denied disability benefits, prisoners, victims of domestic violence and IP counseling for artists.

Areas of Focus

- Litigation
- Alternative Dispute Resolution
- Antitrust & Consumer Protection
- Artificial Intelligence
- Cannabis

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- Consumer Brands & Goods
- Copyright, Trademark, Trade Secret & More
- Emerging Companies & Venture Capital
- Food & Beverage
- Health, Beauty & Wellness
- Hospitality, Travel & Tourism
- High Net Worth & Luxury Law
- Intellectual Property Licensing & Transactions
- Intellectual Property Litigation
- Intellectual Property, Privacy & Technology
- Patent Litigation
- Patent & Portfolio Counseling
- Privacy, Data Protection & Cybersecurity
- Sports & Entertainment
- Yachts, Ships & Submersibles

Admissions

- Washington
- U.S. Patent and Trademark Office
- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 9th Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for Veterans Claims
- U.S. Supreme Court

Education

- J.D., University of Missouri School of Law, 2009
  - *Missouri Environmental Law and Policy*, Associate Member
  - David Ray Trial Advocacy Award recipient
  - Roscoe Anderson Award for Excellence in Advocacy recipient
- B.A., Washington University in St. Louis, 2004

Honors & Recognition

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- *Chambers USA* (Washington), Leading Individual, Intellectual Property: Patent Litigation, 2026; Intellectual Property: Trademark, Copyright & Trade Secrets, 2026
- IAM Patent 1000: The World's Leading Patent Practitioners, 2026
- Foster Pepper Pro Bono Attorney of the Year, 2017
- Pro Bono Award, Federal Bar Association, Western District of Washington, 2017
- Award of Merit, Bar Association of Metropolitan St. Louis, 2014
- Legal Services of Eastern Missouri John R. Essner Young Lawyer of the Year, 2011
- Legal 500 City Elite
  - Seattle - Commercial Disputes, 2026

Professional Activities

- American Bar Association
  - Young Lawyers Division, IP Committee, Past Chair and Vice Chair
  - Section of Intellectual Property Law, Member
  - Model Jury Instruction Committee, Member
- American Intellectual Property Law Association (AIPLA), Member
- King County Bar Association
- Legal Services of Eastern Missouri, Volunteer Attorney
- Missouri Bar Leadership Academy, 2013-2014
- Rare Genomics Institute, Volunteer Attorney
- Seattle IP Inn of Court, Past Member
- St. Louis Bar Foundation
  - Fellow, 2011-Present
  - Board of Directors, 2011-2014
- The Theodore McMillian American Inn of Court, Past Member
- Washington Lawyers for the Arts, Board Member
- Washington State Bar Association
  - Washington Young Lawyers Committee, Board Member
- Young Lawyers Division of the Bar Association of Metropolitan St. Louis
  - Chair, 2014

Community Activities

- Techbridge Girls, Pacific Northwest Advisory Council, Board Member
- St. Louis Bar Foundation
  - Fellow, 2011-Present
  - Board of Directors, 2011-2014

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Experience

Representative Litigation: Intellectual Property

- Represented a personal transportation device company against patent infringement claims in District Court and the ITC. Settled after proving non-infringement with a consent decree that allowed the company to keep selling.
- Represented a personal transportation device company asserting claims of patent infringement on a utility patent and multiple design patents. Defeated an early IPR claim at the Patent Trial and Appeal Board before institution.
- Represented local fishing manufacturing company against claims of patent infringement and unfair competition, as well as in obtaining insurance coverage. Settled after mediation with the client continuing its manufacturing and sales unchanged.
- Represented large national association bringing pre-emptive IPR and District Court claims on behalf of its members attacked by a Patent Assertion Entity. Resulted in a settlement protecting all members of the national association.
- Represented marketing company accused of unfair competition and both design and utility patent infringement. Cases resolved after mediation through settlement and advised on successful redesign of product to allow client to continue selling.
- Represented regional grocery chain accused of copyright infringement. Negotiated a successful settlement and license to let client continue using the same marketing.
- Represented local and national financial analysts accused of infringing copyrights in financial planning materials. Settled after mediation.
- Represented manufacturer and national retailer of bedding accused of copyright infringement. Settled after mediation and a detailed apportionment analysis.
- Represented coffee company in a trademark licensing arbitration. Won on all affirmative claims, defeated all claims against the coffee company, and received a grant of attorneys' fees in addition to other affirmative relief.
- Represented local fishing product manufacturer against a large national manufacturer infringing their trademark. Settled after having the national company stop using the client's mark.
- Represented local internet company asserting and defending claims at the Trademark Trial and Appeal Board and in District Court involving trademark infringement, cybersquatting, and libel claims.
- Represented company in a trademark dispute and successfully defeated attempts to compel arbitration in District Court and the 9th Circuit.

Representative Litigation: Commercial

- Represented software company in a licensing dispute arbitration to a favorable settlement between licensee and licensor.

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- Represented large transportation company asserting multiple claims including breach of fiduciary duty and breach of contract around a marketing contract to a favorable settlement.
- Represented local company regarding breach of contract and ownership claims of water rights.
- Represented a personal transportation device company against claims of breach of contract for a technology license agreement.
- Represented local fishing manufacturing company against claims of patent infringement and unfair competition. Also assisted client in obtaining insurance coverage. Settled after mediation with the client continuing its manufacturing and sales unchanged.
- Represented local outdoor company against a company committing unfair competition and various libelous statements as well as accusing the company of patent and trade dress infringement. Reached an early settlement allowing the client to continue its sales and ending negative statements about the client.
- Represented marketing company accused of unfair competition and both design and utility patent infringement. Cases resolved after mediation through settlement and advised on successful redesign of product to allow client to continue selling.

Technology Transactions

- Represented local smart technology company in portfolio acquisition due diligence for a portfolio and acquisition of over $40 Million.
- Represented multiple companies in technology acquisition licensing transactions ranging from records management, SaaS, video conference, and product sales software.
- Represent local artist in negotiating copyright ownership of greeting card designs.
- Represent local technology companies guiding their patent and trademark prosecution efforts
- Represent local architecture company in patent prosecution and IP disputes.

Representative Pro Bono Matters

- Represented multiple veterans pursuing claims of errors in denials of disability benefits at the Court of Veterans Claims. All cases to date have resulted in favorable remand back to the VA.
- Represented local housing group when accused of trademark infringement for a local festival.
- Counsel artists and arts organizations in issues related to protecting their intellectual property.
- Represented renters in actions against landlords in eviction cases.

News & Insights

News

Foster Garvey Recognized Among Nation's Top Firms in 2026 Chambers USA Guide: 34 Attorneys and 15 Practices Ranked

06.04.26

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Benjamin J. Hodges and Robert R. Teel Recognized in IAM Patent 1000: The World's Leading Patent Practitioners

05.28.26

18 Foster Garvey Attorneys Named to 2026 Legal 500 City Elite Lists

01.21.26

Foster Garvey Announces Leadership Change in its Litigation Practice

01.08.26

R. Daniel Carter and Benjamin Hodges Quoted in Law360's 'Washington Cases to Watch 2024: A Midyear Report'

07.30.24

Ben Hodges Underscores IP Theft Risks for Startups in Zunum Aero's Trade Secrets Lawsuit Against Boeing in Law360 Midyear Report

07.18.24

American Marriage Ministries Files Lawsuit Against Tennessee Officials to Protect Religious Freedom

06.18.24

Supporting Our Nation's Defenders Through The Veterans Consortium

04.09.24

Adrian Winder's Service to a Domestic Abuse Survivor

10.19.23

Ninth Circuit Court of Appeals Rules in Favor of Foster Garvey Client in Copyright Infringement Suit

07.27.23

Benjamin Hodges Weighs in on the Impact of Patent Trolling Has on Washington State's Small and Family-Owned Businesses in Seattle Times article

05.13.21

Benjamin Hodges Discusses the Implications of Patent Trolls in U.S. News & World Report

02.23.21

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Foster Garvey Files Opposition to Cert Petition

01.14.20

Foster Garvey Attorneys Provide Legal Advice for the Arts

11.20.19

Veterans Previously Denied Disability Benefits Get a Second Chance

11.11.19

Assisting Veterans Previously Denied Benefits

11.01.19

Foster Garvey Welcomes Renton High School Students for Day of Learning

10.24.19

Foster Garvey Pro Bono Team Helps Secure Release of Wrongfully Detained Youth

09.30.19

Increasing Civic Engagement Through Technology Platforms

01.01.19

Securing the Release of Child Unlawfully Detained by ICE in Adult Detention Facility

01.01.19

Asylum Hopes Held up by "Remain in Mexico" Program

01.01.19

Events

“Protecting Hospitality Innovation - Intellectual Property Risks, Litigation and Emerging Technology,” CIO Summit

09.10.26

CenterForce 2026 IP Strategy Summit

05.20.26

“Spotlight on Arts and Entertainment Law,” Washington State Bar Association CLE

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02.12.26

“Defensive Litigation in a High-Stakes Environment: Lessons Learned from Recent Cases,” The IP Strategy Summit: NYC

11.19.25

INTA 2025 Annual Meeting

5.17.25-5.21.25

The IP Strategy Summit

04.09.25

“Intellectual Property Basics for Creators,” Emerald City Comic Con

03.09.25

Downtown Seattle Association’s 2024 MID Annual Meeting & Party

08.26.26

“The Business of Artificial Intelligence: Practical Applications in the IP Ecosystem,” International Trademark Association

03.20-03.21.2024

“Intellectual Property for Creators, Cosplayers and Others,” Emerald City Comic Con

03.03.24

“Building, Managing & Benchmarking Your IP Strategy,” The IP Strategy Summit: Seattle

01.23.24

The IP Strategy Summit: Seattle

01.23.24

“Artificial Intelligence: Promises and Perils,” Library U - Bainbridge Public Library

12.10.23

“Obtaining Evidence from Electronic Devices in Washington,” National Business Institute Online Seminar

07.11.22

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"Copyright Year in Review," Art Law Institute 2021

11.23.21

"Copyright Year in Review," Washington Lawyers for the Arts

10.28.20

"The Future of Work," World Affairs Council

02.06.20

"Protection of Artistic Features | Copyright, Trade Dress, and Design Patent," Washington Lawyers for the Arts

01.29.20

"IP Basics for Filmmakers," Washington Lawyers for the Arts

04.22.19

"IP and Video Games Issues: Copyrights, Trademarks and Patents," American Bar Association Young Lawyers Division

04.26.18

The IP Strategy Summit: Seattle

04.07.26

Legal Alerts

Supreme Court Decision Invalidates Tariffs Imposed Under IEEPA

02.26.26

Supreme Court Review of IEEPA Tariffs Brings Importer Refund Rights Into Focus

01.15.26

Patent Office Raises IP Questions for Tribes

11.29.23

Supreme Court Limits International Application of the Lanham Act in Abitron Decision

07.12.23

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Arbitration Gets a Win: Understanding the Supreme Court's Ruling in Coinbase, Inc. v. Bielski

07.03.23

Supreme Court Reinforces Trademark Protections for Brand Owners in Jack Daniel's Decision

06.20.23

Navigating Copyright Boundaries: Insights from the Supreme Court Decision in Warhol v. Goldsmith

05.26.23

SCOTUS Grants Cert in Public Access Copyright Case

07.10.19

Failure of Three Factor Test Spells End to Joint Authorship Claim

07.01.19

U.S. Supreme Court Invalidates Law Against Offensive Trademarks

06.24.19

Washington's Latest Efforts on Data Security and Privacy

06.11.19

U.S. Supreme Court Clarifies Application of Trademarks in Bankruptcy Proceedings

05.24.19

IP Case Review: Trading Technologies International v. IBG, Interactive Brokers

05.06.19

Publications

Navigating Ethical and Legal Frontiers in Generative AI: Key Takeaways from Day Two of INTA's Conference on The Business of AI

04.05.24

Navigating the Landscape of Generative AI: Insights from Day One of INTA's Conference on The Business of AI

04.02.24

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Protecting the Future of Cannabis Biotechnology

05.06.20

Trademark Bar Cheers for ‘Good News in Gloomy Time’ with High Court's Romag Fasteners Holding

04.24.20

The Impact of COVID-19 on IP Contracts

04.13.20

Net Neutrality: How Recent Developments Could Affect Content Companies and Other IP-Intensive Businesses

03.16.20

The Varying Laws Governing Facial Recognition Technology

01.30.20

Federal Circuit's Dodocase Vr Decision Provides a Roadmap for Limiting AIA Proceedings

01.07.20

Final Briefs Filed with SCOTUS in Romag Fasteners Case on Trademark Infringement Damages

12.09.19

Looking Ahead to 2017: Where Will Patent Venue be Appropriate?

02.07.17

The Rise of Rule 12 Motions

11.02.16

Be Original in Briefs to Advance Your Argument and Avoid Copyright Infringement

10.01.16

Defend Trade Secrets Act (DTSA) Signed Into Law: Federal Law Offers Greater Protections And New Obligations For Employers

05.13.16

Courts to Police Direct Infringement Pleadings More Strictly

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11.20.15

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