



## Martin B. Sipple

### *Shareholder*

- ▶ Intellectual Properties
- ▶ Litigation

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### ■ *Career Experience*

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- Law Clerk, The Honorable William D. Stiehl, United States District Court, Southern District of Illinois, 1992–1993
- Law Clerk, The Honorable C. Thomas White, Associate Justice, Nebraska Supreme Court, 1991–1992
- Cost Recovery Services, LLC v. Alltel Communications Inc., 2007 WL 601830 (N.D. Fla. Feb 20, 2007); Linn v. Fossum, 946 So.2d 1032 (Fla. 2006); The Board of Education v. American BioScience, Inc., 333 F.3d 1330 (Fed.Cir.2003); Alliant Capital, Ltd. v. Singleton, 835 So.2d 365 (Fla. 5th DCA 2003); State of Florida, Department of Lottery v. GTECH Corp., 816 So.2d 648 (Fla. 1st DCA 2001)

### ■ *Admitted to Practice*

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- State of Florida, 1998
- State of Illinois, 1994
- State of Missouri, 1992
- State of Nebraska, 1991

### ■ *Professional & Community Involvement*

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- Member, American Bar Association
- Member, Florida Bar Federal Court Practice Committee
- Certified Arbitrator, Better Business Bureau Auto Line Program
- Board of Directors, Goodwill Industries Big Bend, Inc.
- Fellow, Florida Bar Foundation

### ■ *Education*

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- J.D., Washington University School of Law, St. Louis, Missouri, 1991
- B.A., University of Nebraska, Lincoln, Nebraska, 1988
- Order of the Coif, Washington University School of Law
- Executive Notes and Comments Editor, Washington University Law Quarterly, 1991. Author, "The Wild, Wild Western Hemisphere: Due Process and Treaty Limitations on the Power of U.S. Courts to Try Foreign Nationals Abducted Abroad," 68 Washington U.L.Q. 1047 (1990)

## ■ *Extended Profile*

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Martin B. Sipple practices in the area of civil litigation with an emphasis on business litigation and intellectual property matters. He is an experienced trial attorney who regularly represents clients in both state and federal trial courts. After graduating at the top of his class from the Washington University School of Law in St. Louis and serving State Supreme Court and federal district court clerkships, Mr. Sipple entered private practice, where he has played a lead role in many substantial litigation matters resulting in favorable outcomes for the firm's clients.

### CAREER HIGHLIGHTS:

In March 2011, Mr. Sipple co-first chaired a trial in which a physician group sought damages resulting from a defectively designed air conditioning system for an ambulatory surgical center. Such facilities are regulated by the State because of the patient risks associated with hot, humid air and airborne pathogens. The firm's client prevailed at trial and the trial court entered judgements for damages and attorneys fees in favor of the physician group totaling \$819,695.20.

In March 2010, Mr. Sipple first chaired a trial on behalf of a minority shareholder to enforce an agreement by the majority shareholder to sell his shares. The minority shareholder prevailed and is now the 100% owner of the corporation.

In December 2009, Mr. Sipple acted as lead attorney in an intellectual property matter involving use of a client's trademark by a competitor as a keyword to generate traffic on the competitor's internet website. Mr. Sipple successfully obtained a preliminary injunction ceasing the practice and the matter was resolved shortly before trial on terms favorable to the client.

In August 2008, Mr. Sipple first chaired the jury trial of a medical malpractice action in Okaloosa County, Florida. The trial was the second trial of the case, the first verdict having been reversed based upon Mr. Sipple's argument that the trial court erred in admitting certain expert testimony in violation of the hearsay rule. The Florida Supreme Court decision ruling in favor of the firm's client is reported at *Linn v. Fossum*, 946 So.2d 1032 (Fla. 2006). The Linn decision has been cited in several subsequent cases as well as in such national treatises as *The Handbook of Federal Evidence* (sec. 703:1) and *CJS Evidence* (sec. 970).

In April 2008, Mr. Sipple obtained an injunction stopping construction of an outdoor, commercial dog kennel within a commercial office park. The litigation resulted in a stipulated judgment requiring the kennel owner to completely enclose the facility and adhere to noise restrictions, and requiring the kennel owner to reimburse the firm's client, the owner of an office building adjacent to the kennel site, for all attorneys' fees and costs incurred in the litigation.

In December 2007, Mr. Sipple acted as lead attorney in successful defense of an injunction suit against the developers of the "Alliance Center," a multi-story office complex in downtown Tallahassee. The office complex is part of Tallahassee's attempt to create an "18 hour downtown." Following an evidentiary hearing in state circuit court, the trial judge denied the opposing party's request for an injunction and the project is complete.

In April 2007, Mr. Sipple acted as lead attorney in an intellectual property matter involving copyrights. Mr. Sipple successfully obtained an injunction stopping the Florida Division of Emergency Management from prominently featuring in a statewide publication certain weather-related cartoon characters created and copyrighted by the firm's client. The case was litigated in federal court in Tallahassee and resulted in the State of Florida entering a license agreement with the firm's client requiring it to pay a license fee for past and future use of the characters.

In March 2007, Mr. Sipple gave the opening statement and closing argument in a jury trial in federal court in Miami involving a \$20 million claim against the firm's client, a hedge fund based in California. Mr. Sipple represented the hedge fund along with counsel from New York and Chicago.

In October 2006, Mr. Sipple first chaired the trial of a breach of contract action against Alltel Communications, Inc. in federal court in Gainesville. The plaintiff sought to recover under a contract under which it provided certain auditing services and the case turned on whether the scope of the audit had been limited through oral discussions. The trial court ruled in favor of Alltel based on a finding that Alltel's witnesses were more credible and persuasive.

In 2003, Mr. Sipple successfully obtained appellate reversal of a trial court judgment in an intellectual property matter. The firm's client, American BioScience, Inc., is a drug discovery company based in Los Angeles which was sued by Florida State University for allegedly misappropriating information relating to FSU's patented process for manufacturing the cancer-treating drug "taxol." Mr. Sipple argued the case before the United States Court of Appeals for the Federal Circuit in Washington, D.C. and the decision is reported at *The Board of Education, et al. v. American BioScience, Inc.*, 333 F.3d 1330 (Fed. Cir. 2003).

In 2001, Mr. Sipple acted as lead attorney in successful suit by GTECH Corporation to invalidate the award to a competitor of a contract to provide computerized gaming systems and services for the Florida Lottery. At the time, the contract was the largest ever let in the State. Mr. Sipple successfully argued the case in the trial court and before the Florida First District Court of Appeal. The decision is reported at *State of Florida, Department of Lottery v. GTECH Corporation*, 816 So.2d 848 (Fla. 1st DCA 2001).

In 1998, Mr. Sipple acted as lead attorney in successful defense of suit against the Tallahassee-Leon County Civic Center Authority involving the Authority's effort to build a convention hotel on its property in downtown Tallahassee. Mr. Sipple tried the case on behalf of the Authority, which resulted in a favorable ruling following a two-day trial.

#### EDUCATION:

University of Nebraska-Lincoln, Bachelor of Arts, 1988 (High Distinction);  
Major: Political Science; Minors: History, English  
Washington University School of Law-St. Louis, J.D. 1991 (Order of the Coif );  
Executive Notes and Comments Editor, Washington University Law  
Quarterly, 1990-1991

#### RECOGNITION:

AV rated by Martindale-Hubbell  
Florida Trend Magazine's 2009 Florida Legal Elite

#### COURT ADMISSIONS:

Eleventh Circuit Court of Appeals  
Seventh Circuit Court of Appeals  
Federal Circuit Court of Appeals  
United States District Courts for the Northern, Middle and Southern Districts of Florida  
United States District Courts for the District of Nebraska, Eastern District of Missouri,  
and Southern and Central Districts of Illinois  
All state courts in Florida  
All state courts in Illinois  
All state courts in Missouri  
All state courts in Nebraska

**MEMBERSHIPS:**

American Bar Association

The Florida Bar

**PROFESSIONAL ACTIVITIES:**

Florida Bar Federal Court Practice Committee (2006–present)

Certified Arbitrator, Better Business Bureau Auto–Line Program (2006–present)

**COMMUNITY ACTIVITIES:**

Board of Directors, Goodwill Industries of the Big Bend, Inc. (2007–present)

Volunteer basketball coach, Tallahassee YMCA and City youth leagues (2004–present)

Leadership Tallahassee Class XVII (1999–2000)

Blessed Sacrament Catholic Church and Trinity Catholic School