

Rising Star: Kilpatrick Townsend's Kollin Zimmermann

By Britain Eakin

Law360 (June 1, 2022, 2:02 PM EDT) -- Kollin Zimmermann of Kilpatrick Townsend & Stockton LLP as co-lead counsel helped Yahoo Holdings Inc. fend off a billion-dollar countersuit from Mozilla Corp. over a paid advertising and search technology contract, earning him a spot among the intellectual property attorneys under age 40 honored by Law360 as Rising Stars.

THE BIGGEST CASE OF HIS CAREER:

The biggest case Zimmermann has handled so far ended in a settlement for his client, Yahoo, on the eve of trial. Though the terms of the deal that was struck with Mozilla are confidential, the stakes were high: Mozilla had sought more than \$1 billion in damages.

The dispute started in 2017 when Yahoo Holdings Inc. sued Mozilla for allegedly breaking a contract to make Yahoo the default internet search engine for Mozilla's Firefox browser through 2019. Yahoo and its parent Oath, which was owned by Verizon, filed the suit after Mozilla exited the deal and went back to Google as its browser instead. Mozilla fired back with a cross-complaint for breach of contract of its own, alleging that it had a right under their contract to terminate the deal.

Zimmermann, who was co-lead counsel, called the case "massive in scope." The team did 35 fact depositions and five expert depositions, and Zimmermann did more than half of those himself. Some of the depositions were of former and current high-level executives, which Zimmermann said was a demanding aspect of the case,

"That was particularly challenging because many of them weren't there anymore. Working with high-level CEOs is difficult already — working with their schedule and making sure you're 100% on top of everything — but also when they're not even



Kollin Zimmermann
Kilpatrick Townsend

Age: 38

Home base: Los Angeles

Position: Partner

Law school: University of San Diego School of Law

First job after law school: Associate at Ropers Majeski

the CEO of that company anymore, there's another level of white-glove service you need to provide," he said.

HIS MOST INTERESTING CASE LATELY:

Zimmermann co-lead the team that defeated a trademark infringement suit from ReelzChannel LLC — owner of the cable network Reelz — against the firm's clients, Facebook and Instagram, over the latter's video-sharing feature called Reels. The team successfully opposed ReelzChannel's bid for preliminary injunction that would have forced Reels to change its name, and also secured a motion to transfer the suit to California under a forum selection clause in Facebook and Instagram's terms of service.

ReelzChannel then voluntarily dropped the suit, which had alleged that Instagram's Reels was confusing consumers and threatened to "completely swamp the distinctive brand identity" Reelz had built up.

One unique challenge the team faced was explaining to U.S. District Judge David S. Doty — who is 92 — the significant differences between Reels, which enables short-form social media-focused videos, and traditional television programming, Zimmermann said.

"Articulating that — this cutting-edge technology of social media video creation and sharing — to a 90-plus-year-old judge, was something we took great care to do," said Zimmermann.

The team used a lot of images in their briefing, along with survey data, to show that consumers in the two markets weren't confused.

HIS PROUDEST MOMENT AS AN ATTORNEY:

When Zimmermann was a first-year associate working at Ropers Majeski Kohn Bentley PC, he volunteered to take on a First Amendment case on behalf of Orange County People for Animals, a Southern California-based animal rights group that was hit with a trespassing suit by the owner of a mall in Brea, Calif., for protesting outside of a pet store.

The group faced a motion for a preliminary injunction that would have barred it from protesting. Zimmermann was tasked with drafting the brief opposing the motion in an effort to protect the organization's First Amendment right to protest. Zimmermann called it "crazy" looking back in retrospect that a first-year would draft that kind of brief. But his efforts paid off.

Orange County People for Animals defeated the preliminary injunction motion and got the mall's rules on protests declared unconstitutional, and then got the trial court to grant the group's anti-SLAPP motion to dismiss the case. On top of that, they got the court to award attorney's fees, which was affirmed on appeal.

Zimmermann recalled being in the courtroom when the trial court handed Orange County People for Animals a win across the board, beaming with pride. And the firm recognized his work, circulating emails about what this young associate had pulled off that spurred several pats on the back, too.

"I think I had been there three or four months, so it wasn't even a long time. I felt really proud," Zimmermann said. "I joke sometimes that I think my career peaked at that moment, I said 'I don't know if it's going to get any better than that.'"

That opened doors for Zimmermann, who said he got a lot of cases thrown his way after that.

WHAT MOTIVATES HIM:

Zimmermann loves competition. He played soccer growing up and was convinced — before an ankle injury dashed his dream while he was attending Auburn University — that he would go on to play professionally.

He eventually decided on law and enrolled in the University of San Diego School of Law, shortly after which he discovered law students get ranked by their grades. The competitive aspect of law school invigorated him, he said.

While at University of San Diego, Zimmermann joined the Capital University National Moot Court Tournament, where he made it to the quarter-finals. He then won first place in the Jessup International Law Moot Court Intramural Tournament.

"I thought, great, how do I do this as a career? Sign me up," Zimmermann said. "Now when a case comes in, I look up the opposing counsel, and I hope they're impressive because I want to compete."

But he's not just motivated by competition. He is also moved to excel by mentors who have guided him through the years. Among the first was the late Tim Skelton, who was a partner at Ropers Majeski when Zimmermann first started there.

"He taught me the foundations of being a good lawyer. He gave me incredible advice that's the backbone of everything I've done," Zimmermann said.

WHY HE'S AN IP ATTORNEY:

Zimmermann didn't necessarily know that he would become an IP attorney, but he was certain he wanted to be a litigator, and he got to handle a broad range of cases as an associate at Ropers Majeski. But it was the IP cases that really called to him. So he volunteered to take those on until it became the bulk of his practice, he said.

What appeals to him most about being an IP attorney is the kind of clients he works with — tech, entertainment, fashion and social media companies — which he said are often on the cutting edge of industry. He called it fun and exciting to be a part of that.

"They're breaking barriers in where they're going and what they're doing and as their IP counsel, you're right there with them figuring out how this new thing is going to be analyzed under an older rubric of case law," Zimmermann said.

— As told to Britain Eakin

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.