

Trademark Cases

From 2002-2014, have been lead trademark litigation counsel to Hooters® with responsibility for oversight of all trademark litigation domestically and abroad in almost 100 countries.

Recent successes include representing Hooters in obtaining a \$1,016,000 judgment in a case against Enjoy Manufacturing relating to Enjoy's trademark-infringing motocross racing kits sold online.

Chamber of Industry and Commerce for Silingen, Germany v. Stewart et al. (M.D. Fla. 2012).

Successfully represented Martha Stewart, Martha Stewart Living Omnimedia Corp., Emeril Lagasse, Emerils Homepage, Emerils.com, Home Shopping Network and SED International in preliminary injunction proceedings brought by German Chamber of Commerce alleging manufacture and sale of counterfeit knives and related claims of false advertising and certification mark infringement. Case later settled.

Welding Services, Inc. v. Terry Forman, Welding Technologies, Inc., et al., Case No. 06-13174 (11th Cir. 2007). Successfully obtained summary judgment for defendants in trademark infringement, and award of \$140,000 in attorney's fees under exceptional case provision. Summary judgment affirmed by Court of Appeals for Eleventh Circuit; attorney's fees award remanded for further fact findings.

Jerry Garcia Estate LLC v. Moe's Southwest Grill, et al. United States District Court for the Northern District of Georgia. Successfully represented Moe's and related defendants in a high profile suit for false suggestion of endorsement and theft of publicity rights of the late musician Jerry Garcia, as well as similar claims asserted by nine other celebrity estates, all relating to the Moe's interior artwork and related decor. Obtained defense contributions from four different insurers, including two through litigation and related settlements. Organized and participated in a successful four-way, three-day mediation between Moe's, Moe's franchisees, the celebrity estates and Moe's insurance companies where all claims, counterclaims, third party claims and cross-claims were confidentially settled.

In 2007, successfully represented the owners of the Hawk's Ridge™ Golf Club in state trademark suit against a rural Georgia Hawk's Ridge land development.

Hooters of America, Inc. v. Winghouse et al. (M.D. Fla. 2005). Lost two week jury trial for restaurant trade dress infringement and related state law claims.

Obtained judgment in Maryland district court of over \$100,000 for the National Automotive Parts Ass'n regarding infringement of its NAPA® mark by an unauthorized dealer.

Michael Foundation v. URANTIA Foundation, Case No. 01-6347 (W.D. Okla. 2001). Obtained judgment in two week jury trial in favor of trademark validity and favorable ruling on Anti-cybersquatting counterclaim. Lost copyright validity issue at trial.

URANTIA Foundation v. Maaherra, (D. Ariz. 1995). Wrote multiple successful summary judgment briefs in support of trademark infringement claims.