Jenner & Block’s Trademark, Advertising and Unfair Competition practice helps brand owners confront the full spectrum of trademark issues they encounter in the marketplace, including trademark and trade dress infringement, false advertising, dilution, cybersquatting and anti-piracy cases. Our lawyers have handled all aspects of federal court trademark litigation including preliminary injunction proceedings, ex parte seizures, bench and jury trials, as well as inter partes proceedings before the Trademark Trial and Appeal Board (TTAB). Our practice has a direct focus on litigation, as Jenner & Block litigators have unparalleled experience in handling all aspects of pre-trial and trial practice and have achieved significant recognition for our preeminence and ability to help clients meet their business and legal objectives.

**The National Law Journal**
**Intellectual Property Hot List — 2015**

The National Law Journal named Jenner & Block to its 2015 “Intellectual Property Hot List,” one of only 15 firms in the United States receiving this honor. Drawn from both reader suggestions and the editorial staff’s own research, the “Hot List” names firms that “accomplish great things in the realm of intellectual property law.”

**Chambers USA**
**Award for Excellence in Media & Entertainment — 2014, 2012**

Chambers USA honored the firm’s Content, Media & Entertainment (CME) Practice with its 2014 “Award for Excellence” for its “outstanding reputation in the media and entertainment space, offering clients in the motion picture, television and music industries exceptional representation in precedent-setting litigation.” This marked the second time in three years that the CME Practice was recognized by Chambers USA as the #1 media and entertainment practice in the country.

**BTI Litigation Outlook**
**Powerhouse in Complex Commercial Litigation — 2015**

The BTI Litigation Outlook 2015, an in-depth analysis of the litigation market, ranked Jenner & Block as a “Powerhouse in Complex Commercial Litigation,” one of the top three law firms that clients see as best in that area. The firm was also ranked as a “BTI Awesome Opponent,” one of the 10 most feared firms in litigation. BTI’s analysis draws on direct client feedback from 300 independent, in-depth interviews with corporate counsel at the world’s largest companies.

**The American Lawyer**

The Am Law A-List recognizes the 20 most elite law firms across the country for outstanding performance in the areas of revenue generation, pro bono commitment, associate satisfaction and diversity representation. The firm’s selection in 2013 was the fifth time it was named to the A-List since the ranking was established.

**The National Law Journal**
**Appellate Hot List — 2014**

For the sixth consecutive year, Jenner & Block was recognized by The National Law Journal in the publication’s “Appellate Hot List” of firms that are “doing killer appellate work,” had “at least one significant appellate win between May 2013 and May 2014” and possessed an “impressive track record overall.”
TRADEMARK, FALSE ADVERTISING, UNFAIR COMPETITION AND INTERNET LITIGATION

Jenner & Block lawyers regularly litigate trademark and trade dress infringement matters on behalf of a broad array of clients in diverse industries including apparel, consumer products, media and entertainment, and sporting goods, among many others. Our trademark experience includes all aspects of the litigation process from pre-filing strategy and investigations, preliminary injunctions, and dispositive motions, to bench and jury trials as well as appeals. We also have represented a number of companies with advertising litigation, including federal district court litigation, proceedings in the National Advertising Division of the Better Business Bureau and the National Advertising Review Board, private arbitrations, responses to state attorney general inquiries and network challenges.

Jenner & Block’s trademark practice operates at the forefront of issues of importance to brand and content owners. We are also a nationwide leader in helping businesses safeguard their intellectual property on the Internet and in other new media. We understand the challenges companies face in protecting their trademarks in an ever-changing technology environment. Because of this experience, a broad array of entertainment, manufacturing, consumer goods and publishing companies, among others, regularly call upon the firm for representation and counsel in a variety of areas, including:

- Secondary liability against online service providers and intermediaries
- Keyword advertising disputes
- Cybersquatting, domain name seizures and other domain name disputes
- Site blocking orders
- 3D printing ecosystems

Our lawyers have been at the forefront of issues of importance to brand owners as they seek to protect their rights over the Internet and in new media.
REPRESENTATIVE MATTERS

Fortres Grand Corp. v. Warner Bros. Entertainment: Secured a victory for Warner Bros. Entertainment when the court granted a motion to dismiss a trademark infringement complaint related to the blockbuster movie *The Dark Knight Rises*. At issue was Fortres Grand Corp.’s allegation that the movie’s references to a fictional software program called “Clean Slate” infringed Fortres Grand’s real computer security software of the same name. The dismissal was affirmed by the Seventh Circuit.

Arista Records v. Vita Tkatch et, al.: Obtained ex parte domain name seizure order, TRO and preliminary injunction against counterfeit online music service. In an ancillary proceeding, the firm secured a significant ruling from the Court holding that the preliminary injunction order applied to a third party Internet intermediary that provided DNS and web optimization services to the enjoined counterfeit service.

Mechanical Plastics Corp. v. W.W. Grainger, Inc.: Successfully defended W.W. Grainger against trademark, trade dress, false advertising and copyright infringement claims filed by Mechanical Plastics Corp (MPC), which had accused Grainger of infringing its rights by incorporating certain trademarks, text and copyrighted images in Grainger’s well-known hardware catalog in order to compare MPC’s products to a line of in-house products manufactured and sold by Grainger.

The S. Hekemian Group v. The Related Companies, L.P.: Represented defendant, a real estate developer, in a suit over use of the phrase “The Next Great Neighborhood,” defeating a motion for preliminary injunction on the grounds of fair use and failure to show likelihood of confusion resulting in voluntary dismissal of the lawsuit.

Louis Vuitton Mallatier v. Warner Bros. Entertainment: Won the dismissal of a trademark infringement suit by luxury handbag manufacturer Louis Vuitton, which had sued Warner Bros. Entertainment over the moviemaker’s use of an alleged knockoff of a Louis Vuitton travel bag in a scene in the movie *The Hangover Part II*, in which a character identifies the bag as a “Lew-is Vuitton.”

Warner Bros. Entertainment v. The Global Asylum: Prevented a low-budget movie originally called *Age of the Hobbits* from being distributed under that name, arguing that the title, title design and packaging unlawfully tried to cash in on the goodwill and popularity of Warner Bros. Entertainment’s blockbuster film *The Hobbit: An Unexpected Journey*. The court issued a preliminary injunction, barring the advertising, selling or distributing of any film titled *Age of the Hobbits* or using any mark that is similar to *The Hobbit* or any of the titles in *The Hobbit* trilogy. The Ninth Circuit affirmed the injunction.

Sears Brands, LLC v. Sears Hometown and Outlet Stores, Inc.: Defended Sears Hometown and Outlet Stores, Inc. in a series of TTAB Opposition Proceedings concerning the filing of applications for various house marks for retail store services.

Comedy Playground, LLC v. NBCUniversal Media, LLC: Represented broadcast network in a trademark infringement claim based on use of the name “NBC Playground” for an online contest involving the creation of a scripted television program.

Monster Energy Company v. West Coast Chill, Inc.: Represented a producer and distributor of energy drinks against trademark and trade dress infringement claims.

Hansen Beverage Co. v. KO Beverages LLC: Defended KO Beverages in a lawsuit based on allegations that the defendant’s “Knockout” energy drink infringed the trademarks and trade dress of “Monster” energy drinks.
*Universal City Studios v. Global Asylum:* Represented Universal Studios in prosecuting trademark, unfair competition, and copyright claims against a film studio that produced and distributed, in the United States and internationally, a "mockbuster" DVD that copied the title, title design and key art for Universal's 2012 motion picture *Battleship*. Following litigation in the United Kingdom and in California, the defendant agreed to change the title, title design and artwork to a non-infringing format for all distribution of the DVD worldwide.

*Fifty Shades Limited v. Smash Pictures:* Represented NBCUniversal and author E L James in prosecuting claims for trademark and copyright infringement and obtaining a permanent injunction against an adult film company based on its distribution, before the release of Universal's film, of an unauthorized adaptation of the bestselling *Fifty Shades of Grey* novels.

*Fleshwound Films v. Rush Sports & Events International:* Represented one of Australia’s largest live-action sports promoters in an international arbitration and state court proceedings concerning trademark licensing rights, successfully opposing a preliminary injunction motion and ultimately securing a favorable settlement.

*Bally Shoe of Switzerland v. Bally Manufacturing Corporation:* Defended Bally Manufacturing Corporation against allegations of trademark infringement filed by Bally Shoe of Switzerland.

*St. Charles Manufacturing Co. v. St. Charles Furniture Corp.:* Represented defendant in action involving trademark rights to the term "St. Charles."

*Simmons Browder Gianaris Angelides and Barnerd, LLC v. The Simmons Firm, ALC:* Prevailed in a trademark opposition that was tried to decision before the TTAB regarding the name of a professional services firm.

*MGM Pictures, Inc. v. Mark Brown, Beauty Shop LLC et al.:* Represented producer Mark Brown and related companies in trademark, copyright and unfair competition claims relating to a motion picture release. Successfully settled after preliminary injunction and appeal to the Ninth Circuit.

Represented American Association of Electrodiagnostic Medicine in successful defense of litigation brought by medical device manufacturer charging that AAEM's publication of review of literature on the manufacturer's product disparaged the product in violation of the Lanham Act and state injurious falsehood laws. The federal district court granted AAEM's motion for summary judgment.

*Prime Healthcare Anaheim v. AHMC Anaheim Regional Medical Center:* Defended hospital owner and prevailed in a bench trial in a trade name lawsuit filed by a rival hospital owner concerning priority of use and state law rights in the business name “Anaheim Regional Medical Center.”

*AOL Advertising.com v. Advertise.com:* Represented AOL in a case involving claims for trademark infringement and unfair competition regarding use of AOL’s ADVERTISING.COM and AD.COM marks for an online display advertising network. The case involved cutting-edge issues regarding the scope of trademark protection for domain names.

*Huffingtonpost.com v. Huffington Post Union of Bloggers:* Prevailed in UDRP proceeding to recover the domain name www.huffingtonpostunionofbloggers.org. The three-member panel ruled that the defendant's use of the domain name was intended to capitalize on the popularity of the *Huffington Post*, rejected the defendant's primary argument that it was a labor organization devoted to the criticism of Plaintiff and ordered the transfer of the domain name to the *Huffington Post*. 

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TRADE SECRETS / RESTRICTIVE COVENANTS

Jenner & Block’s attorneys have litigated trade secret cases throughout the country in both state and federal courts from temporary restraining orders to trial and appeals. Our work includes:

— Litigating and counseling with respect to employment-related trade secrets claims, including the enforceability of restrictive covenants.

— Litigating and counseling with respect to non-employment trade secrets claims, such as theft of trade secrets by a competitor.

— Litigating trade secret claims relating to software/source code.

— Counseling clients in developing policies and procedures to identify and protect their trade secrets from unauthorized use or distribution, which includes drafting agreements that enable our clients to share their trade secrets with third parties while at the same time protecting the confidential status of the trade secrets.

— Drafting employment and other agreements containing restrictive covenants and non-disclosure provisions regarding confidential and proprietary information.

— Counseling clients on how to protect their trade secrets required to be disclosed to the government, for example to meet the requirements of the Environmental Protection Agency or the Department of Defense.

CLEARANCE / OPINIONS / COUNSELING

To help our clients avoid litigation in the first instance, we regularly assist in-house personnel and counsel in pre-litigation counseling, crafting advertising claims for media, print and direct mail consistent with legal requirements pursuant to Federal and state regulations, the Lanham Act, and other industry guides such as those issued by the Council of Better Business Bureaus or the major television networks.

Our lawyers also have extensive experience counseling clients with respect to the adoption, filing, use and registration of trademarks, including clearance opinions, in the United States and worldwide. In addition, our lawyers have experience conducting due diligence of intellectual property assets in connection with mergers, acquisitions, divestitures, secured financing, licensing and IPOs. Our attorneys have advised clients in transactions in a wide range of industries including information technologies, entertainment, chemicals, pharmaceuticals and manufacturing.