



## *Trademark, Trade Secret and Copyright Litigation*

WilmerHale's profound trial experience in trademark, trade secret and copyright litigation across US and international venues offers our clients the best of both worlds: the courtroom acumen of a trusted advisor with a trial history that exceeds our competition, combined with a creative approach to litigation of any scope and complexity. The world's most recognized brand names across industries rely on us to protect their copyright, trademark, trade secret, trade dress and domain name rights – often their most valuable assets.

### PRACTICE AT A GLANCE

- We protect well-known and mission critical trademarks, designs and trade dress against infringers, and fend off ill-considered attempts to interfere with our clients' marketing and advertising strategies.
- Trade secrets continue to grow in legal importance. We provide advice on every aspect of trade secrets, from pre-litigation counseling on how to protect trade secrets and how to avoid inadvertently receiving trade secrets to handling critical cases both enforcing our clients' rights and defending against trade secret claims.
- Our clients consistently seek our counsel in matters centered on the dissemination and transmission of copyrighted works and content, as well as for guidance on critical issues surrounding copyright enforcement and protection for movies, television, music and other forms of art.
- We have diverse industry experience, which allows us to advise on cutting-edge and novel copyright and trademark protection matters for companies—giving us an edge in devising litigation strategy that meets legal needs and forwards business goals.
- Our deep familiarity with US and international venues and creative approach to litigation enables us to successfully handle matters of any scope and complexity.



125+

lawyers with scientific  
and technical backgrounds

60+

trademark litigation matters  
over the past ten years

40+

trade secret litigation matters  
in the past ten years

### Clients note that

**WilmerHale has “a deep and knowledgeable bench of attorneys who approach litigation practically and create flawless work product.”**

— U.S. News - Best Lawyers

## EXPERIENCE

**Absorption Pharmaceuticals v. Reckitt Benckiser:** Secured major victory for Reckitt Benckiser following a jury trial in the District of New Jersey when claims brought by Absorption Pharmaceuticals, which sought \$454 million in damages for alleged fraud and trade secret misappropriation, were rejected.

**Battery Park Media, dba Merry Bright Music Enterprises, and Elizabeth Chan v. Lotion:** Earned complete victory for songwriter and recording artist Elizabeth Chan when the Trademark Trial and Appeal Board permanently rejected an attempt by Mariah Carey's company to register "Queen of Christmas" as a trademark.

**Cross Commerce Media, Inc. v. Collective, Inc.:** Achieved a complete win for Collective, Inc. in its trademark appeal against Cross Commerce Media, Inc.

**David Yurman Enterprises LLC v. Mejuri, Inc. and Mejuri (US) Inc.:** Represented Mejuri in trademark litigation in which David Yurman alleged infringement of its alleged trade dress rights in the designs of certain bracelets, rings, and earrings.

**Heritage Guitar, Inc. v. Gibson Brands, Inc.:** Obtained a favorable settlement for Heritage Guitars, Inc., putting to rest trademark infringement claims and threats long levied by industry rival Gibson Brands, Inc. ahead of a scheduled trial.

**Jaguar Land Rover v. Bombardier Recreational Products:** Won a full defense verdict for Bombardier Recreational Products (BRP) defeating a \$130 million trademark infringement claim brought by Jaguar Land Rover Limited. Following an eight-day trial, a jury rendered a verdict in BRP's favor, finding that BRP's Can-Am Defender off-road vehicle did not infringe Land Rover's trademark for DEFENDER.

**Matt Furie v. Infowars:** Obtained significant copyright victory for artist Matt Furie when Alex Jones's Infowars media outlet agreed to disgorge all its profit from the unauthorized sale of a poster that featured Furie's iconic "Pepe the Frog" character. Successfully defeated Infowars's summary judgment argument that the posters were protected by fair use, Infowars conceded instead of facing a jury trial.

**Montres Breguet SA v. Samsung:** Achieved a major victory for Swatch Group in United Kingdom litigation arising out of Samsung's offering on its Samsung Galaxy app store of downloadable watch faces for use with Samsung's smartwatches.

**Playscripts, Inc. and Broadway Licensing, LLC v. Jonathan Rand:** Successfully represented client Jonathan Rand, one of the most successful contemporary playwrights alive today, in an arbitration against Playscripts, Inc. and Broadway Licensing, LLC regarding a contract and copyright dispute over the underpayment of royalties related to online streaming of performances of Mr. Rand's plays.

**Simply Wireless, Inc. v. T-Mobile US, Inc.:** Our team was named *Litigation Daily's* "Litigators of the Week" in recognition of this trademark victory for T-Mobile in its high-stakes dispute with Simply Wireless in which T-Mobile was awarded

For more information, please contact:

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## RECOGNITION

— **The American Lawyer** named WilmerHale the 2023 "IP Litigation Department of the Year." The firm has been named a winner or a finalist for this biennial award nine times since 2004.

— **Chambers USA** has ranked WilmerHale Band 1 for nationwide IP since 2011, with every US office ranked.

— **U.S. News - Best Lawyers** listed WilmerHale in its "Best Law Firms" rankings and honored the firm with first-tier national rankings in Copyright and Trademark Law.

— **Law360** named our victory in the *Omega SA v. 375 Canal, LLC* appeal as one of the top trademark rulings of 2021.

— **The Legal 500 United States** has ranked the firm in the "Top Tier" for intellectual property since 2011.