

INTELLECTUAL PROPERTY LITIGATION

Our trial attorneys represent clients in disputes relating to all aspects of Intellectual Property infringement and ownership.

We have significant experience litigating in the areas of patent and copyright infringement, trademark infringement and dilution, trade secret misappropriation, cybersquatting and e-commerce disputes, unfair competition, advertising liability, breach of confidence and misappropriation of character, likeness and identity. We also represent our clients with respect to antitrust, bankruptcy and insurance issues that sometimes arise in connection with Intellectual Property disputes. Our Intellectual Property trial attorneys have a significant amount of trial and appellate experience in Intellectual Property litigation, as well as proceedings before the Trademark Trial and Appeal Board.

RECENT SUCCESSES

- A Rutan & Tucker trial team, headed by Rutan Business Litigation partner Brad Chapin, recently achieved a significant trial victory in Orange County Superior Court. Mr. Chapin, along with Rutan trial lawyers Damon Mircheff and Heather Herd, represented 8 clients – including an insurance brokerage, its principals, insurance brokers and other employees – in a four week jury trial during which the Rutan team defended against causes of action ranging from misappropriation of trade secrets and conversion to breach of fiduciary duty. Plaintiff insurance brokerage sought upwards of \$10 million dollars, alleging that defendants (who had previously been affiliated with plaintiff brokerage) had stolen its trade secrets, clients, client data, computer equipment and furniture when they left plaintiff's offices and started their own brokerage. In response, four defendants filed a cross claim against plaintiff's owner, alleging defamation, after the owner had contacted numerous of defendants' clients, accusing defendants of stealing from plaintiff and ransacking its offices. At trial, Rutan's attorneys demonstrated that plaintiff did not own any trade secrets and that the clients who chose to follow defendants to their new venture did so based on their relationships with the individual defendants. In short, plaintiff had no "ownership" or other right to any client or client information. Thereafter, the jury returned a verdict in favor of all defendants on each of the eight causes of action presented to it. In short, plaintiff had not established the existence of trade secrets, defendants had not stolen anything from plaintiff and defendants owed plaintiff no fiduciary duties. The jury additionally found that plaintiff's owner had defamed four defendants, and had acted with malice, oppression or fraud in so doing. The parties agreed to allow the court to decide whether to award punitive damages on the defamation cause of action and, in February 2016, the court ruled that cross-defendant had acted with malice and ordered him to pay a total of \$200,000 in punitive damages. In April 2016, the Court issued its ruling on plaintiff's final, equitable cause of action for unfair competition, finding again in favor of defendants, concluding that they had not engaged in unfair competition.
- Rutan represented Madonna in trademark infringement litigation involving her Hard Candy Fitness health clubs. Lead by Rutan partner, Michael Adams, Rutan's trial team was retained after years of hotly contested global litigation handled by another firm. Recognizing that the client's interests are not always best-served through escalating litigation, Rutan identified common ground that existed between the parties and pursued a dual-path of aggressively preparing the case for trial while also looking for more efficient ways to achieve victory. Using this

creative approach, Rutan was able to negotiate a highly favorable settlement within a few short months, bringing a swift and successful end to seemingly endless litigation.

- Rutan represents the American Automobile Association in its trademark infringement litigation throughout the state of California. Michael Adams leads Rutan's trial team for AAA, which protects AAA's trademarks from unscrupulous competitors seeking to leverage the goodwill AAA has built up in its trademarks. Mr. Adams said, "It is an honor to represent AAA in its trademark infringement litigation. The AAA marks are among the most well-known and valuable trademarks in the country, as several courts have held. Being entrusted with protecting such valuable marks is something we take very seriously." Rutan has represented AAA in hundreds of trademark infringement cases and has prevailed in every case.