Banner & Witcoff Wins Affirmance in a Trademark Infringement Case in the U.S. Court of Appeals for the Seventh Circuit.

May 29, 2008

Banner & Witcoff, Ltd. and Roylance, Abrams, Berdo & Goodman, L.L.P. are pleased to announce that they won affirmance by the U.S. Court of Appeals for the Seventh Circuit of a judgment in *Central Mfg. Co., et al. v. Pure Fishing, Inc., et al*.

In the underlying decision, the U.S. District Court for Northern District of Illinois entered final judgment on all counts against Central Mfg. and declared the case to be "exceptional" under 15 U.S.C. § 1117(a). In addition, the district court (1) ordered that US Trademark Registration No. 1,766,806 and the STEALTH mark for fishing bobbers was "lapsed, invalid, abandoned, unenforceable, and forfeit under federal and common laws;" (2) canceled each trademark registration listed in the complaint; (3) held that there was no reasonable likelihood of confusion with respect to the mark used by Pure Fishing; (4) held that Leo Stoller and his companies were liable for a prior judgment in *S Industries, Inc. v. Centra 2000, Inc.,* 1998 U.S. Dist. LEXIS 10649, 1998 WL 395161 (N.D. Ill. 1998) so as to allow execution against that judgment; and (5) enjoined Leo Stoller and his companies from, inter alia, "dissipating, transferring, assigning, liquidating, or otherwise removing the trademark assets."

The district court further ordered that Leo Stoller and his companies were "vexatious litigants" and barred them "from instituting any lawsuit or trademark opposition without prior leave of this Court pursuant to this Court's authority under the All Writs Act 28 U.S. C. § 1651(a)." The district court also awarded Pure Fishing damages as well as its attorneys' fees and costs in the amount of the amount of $969,751.81.

The U.S. Court of Appeals affirmed the district court decision in its entirety.

The legal team on this case representing Pure Fishing was Timothy C. Meece of Banner & Witcoff, Ltd. and Lance J. Johnson of Roylance, Abrams, Berdo & Goodman, L.L.P.

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