Federal Court Awards $969K to B&W Client in Trademark Infringement Case

December 14, 2006

Banner & Witcoff, Ltd. and Roylance, Abrams, Berdo & Goodman, L.L.P. are pleased to announce that they won a judgment in the total amount of $969,751.81 in the case of *Central Mfg. Co., et al. v. Pure Fishing, Inc., et al* .

On December 12, 2006, the Court—a federal court in Chicago—entered judgment in favor of Banner & Witcoff's client and against Central Mfg.—a Leo Stoller company—that included an award of attorneys' fees and nontaxable costs of $759,303.20, taxable costs in the amount of $5,529.71, and a valuation of a prior judgment against Central Mfg. Co. in the amount of $204,918.90.

Previously, the Court 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 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."

In addition, the 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 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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