Litigation & Enforcement

Assertive Advocacy to Protect Your Intellectual Property

Intellectual property rights are only as effective as the enforcement behind them. Banner Witcoff's Litigation and Enforcement practice provides assertive, results-driven representation in disputes involving patents, trademarks, trade secrets, copyrights, and unfair competition—across courts, administrative tribunals, and alternative forums nationwide.

With deep technical knowledge and extensive litigation experience, our team helps clients enforce their rights, defend against claims, and achieve outcomes that protect innovation, market share, and brand value.

Our Litigation and Enforcement Capabilities

Federal District Court Litigation

We handle patent, trademark, copyright, and trade secret disputes throughout the United States, from pleadings and discovery through trial and appeal.

Inter Partes Review and PTAB Proceedings

We pursue and defend post-grant challenges before the Patent Trial and Appeal Board, coordinating administrative strategy with district court litigation objectives.

TTAB Proceedings

We litigate trademark oppositions, cancellations, and appeals to protect valuable brand rights.

ITC Enforcement

We represent clients in Section 337 investigations before the International Trade Commission to prevent the importation of infringing goods.

Pre-Litigation Enforcement

Before disputes escalate, we help clients assess infringement risks and pursue demand letters, cease-and-desist actions, and licensing discussions.

Alternative Dispute Resolution

Where appropriate, we pursue mediation, arbitration, and negotiated resolutions to achieve efficient, business-focused outcomes.

Our Litigation Approach

Strategic Early Assessment

We evaluate legal merits, technical issues, commercial impact, and cost considerations early to develop tailored enforcement and defense strategies.

Integrated Technical Advocacy

With backgrounds in engineering, life sciences, software, chemistry, and mechanical systems, our litigators effectively present complex technologies to judges, juries, and administrative panels.

Focused Motion Practice

We pursue strategic motions—including dispositive motions, venue challenges, and claim construction advocacy—to shape favorable litigation dynamics.

Trial and Appellate Experience

Our team has extensive experience in jury and bench trials, post-trial proceedings, and appeals, including before the U.S. Court of Appeals for the Federal Circuit.

Alignment with Business Goals

We advise clients on litigation timing, enforcement priorities, and commercial impact to support both near-term outcomes and long-term objectives.

Why Clients Choose Banner Witcoff

Technical Breadth Across Industries

Our litigation experience spans software, artificial intelligence, telecommunications, semiconductors, medical devices, automotive, chemical, and industrial technologies.

Multi-Forum Expertise

We provide coordinated advocacy across federal courts, the PTAB, ITC, and TTAB.

Recognized Litigation Leadership

Banner Witcoff is consistently ranked by leading industry publications for excellence in patent litigation and trademark enforcement.

Client-Focused Representation

We tailor litigation strategies to align legal rigor with practical business considerations.

Protect Your IP with Assertive Advocacy

Banner Witcoff helps clients enforce and defend intellectual property rights—turning innovation and brand value into strategic advantage.

CONTACT US

Please click ____ to email us for more information about our Litigation practice.

Relevant Practices

Appellate Litigation

Brand Protection

Copyright Registrations and Enforcement

Counseling, Opinions + Licensing

Counterfeit Goods Seizure

Design Patents

Jury Trials

Litigation

Patent Interferences

PTAB Litigation

Patent Prosecution

Section 337/ITC Litigation

Trade Dress

Trade Secrets

Trademarks

Deep experience in all aspects of IP.

In the past 10+ years Banner Witcoff has filed:

41	46	15+
PATENT LITIGATIONS	TRADEMARK LITIGATIONS	OTHER IP LITIGATIONS

Representative Experience

ZRD, L.L.C. Afroman Music v. ZRD LLC, 1:23-cv-3570, U.S. District Court for the Northern District of Illinois

We served as defense counsel, representing the accused infringers in disputes over music performances in bar and restaurant venues in the Chicago area, mitigating damages in high-profile music copyright claims tied to ASCAP enforcement.

The Greenbrier Companies, Inc. National Steel Car Limited v. The Greenbrier Companies, Inc., 6-19-cv-00721, U.S. District Court for the District of Oregon

Represent The Greenbrier Companies, Inc. in a patent infringement suit brought by National Steel Car over alleged infringement of two patents related to gondola rail cars.

Mortimer Walters and Florian Karrer Lexington Services Ltd., v. U.S. Patent No. 8019807 Delegate, LLC and Florian Karrer, 2018-0157-TMR, The Delaware Court of Chancery

Represented Mortimer Walters and Florian Karrer, and their company in litigation against Lexington Services Ltd. The actions involved whether our client's designee or Lexington controlled the ‘807 patent.

Apprio, Inc. Zaccari v. Apprio Inc., 1:18-cv-01560, U.S. District Court for the District of Columbia

Represented Apprio, Inc. in litigation filed by a former employee who sought $63 million for the alleged infringement of copyrighted software

Yeti Coolers, LLC Yeti Coolers, LLC v. Wal-Mart Stores, Inc., 1:17-cv-01145, U.S. District Court for the Western District of Texas

Represented YETI Coolers in ongoing litigation alleging Walmart sold, and allowed third parties to sell, counterfeit YETI drinkware on the walmart.com website.

Mattel Spin Master Ltd. V. Mattel, Inc. No. 2:18-cv-03435, U.S. District Court for the Central District of California

Represented Mattel in a patent infringement case involving Mattel's Mecard line of transformable toys, as well as in three associated inter partes reviews.

Buc-ee's Ltd. Buc-ee's Ltd. v. Shepherd Retail, Inc., et al., No. 4:15-cv-03704, U.S. District Court for the Southern District of Texas

Represented Buc-ee's in defending its famous logo in litigation including counts alleging trademark infringement, trademark dilution, unfair competition, and unjust enrichment.

NIKE Asics Am. Corp. v. Akeva L.L.C. v. NIKE, Inc.; Adidas America, Inc.; New Balance Athletic Shoe Inc.; and Puma North America, Inc., No. 19-2249, U.S. District Court for the Middle District of North Carolina

Represented NIKE against Akeva's allegations that NIKE and others infringed 19 patents directed to alleged improvements in rear soles of athletic footwear.

Converse Converse v. ITC, No. 16-2497, U.S. Court of Appeals for the Federal Circuit

Banner Witcoff represented Converse in parallel cases at the U.S. International Trade Commission and in New York federal court against Wal-Mart, Skechers and more than 30 other companies for violating its trade dress rights by selling knockoff versions of the iconic Chuck Taylor All Star sneaker. The case was one of the largest trademark cases in ITC history based on the number of respondents and scope of the investigation.

Wargaming.Net LLP Wargaming.Net LLP v. Changyou.com, 1:13cv03444, U.S. District Court for the Northern District of Illinois

Representing World of Tanks® developer Wargaming.net, the firm won a temporary restraining order, preliminary injunction, and final judgment against operators of WorldOfTankShop.com for copyright infringement, trademark counterfeiting, and false affiliation.

Jagex Ltd. Jagex Ltd v. Impulse Software, 10-cv-10216-NMG, U.S. District Court for the District of Massachusetts

For RuneScape® creator Jagex, Ltd., we obtained judgments for copyright infringement, DMCA violations, trademark infringement, computer fraud, and tortious interference against bot software developers.

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