Trademark Litigation

Brand Champions

Maintaining a strong brand sometimes requires taking the fight into the courtroom. Consistently named as one of the top trademark litigation firms by leading legal and industry publications, Kilpatrick boasts the largest dedicated trademark and trade dress litigation team in the U.S. While our national reputation as trial counsel is well established, we settle the vast majority of disputes early and favorably for our clients. We employ a variety of creative strategies, such as utilizing supportive survey results and crafting streamlined case-specific proceedings, to present to qualified neutrals. When litigation is inevitable, general counsel and trademark counsel both agree that Kilpatrick is a bet-the-brand law firm for prosecuting and defending infringement and dilution actions.

Reach

Bet-The-Brand Credentials

Our experience taking trademark cases through entire jury trials allows us to ensure that strategic and procedural decisions made early in the case create efficiencies at the end of the case. Accordingly, we have secured favorable outcomes from the U.S. Supreme Court, nationwide federal and state appellate and trial courts, as well as in TTAB proceedings. Knowing that an effective litigation strategy begins well before filing the case, we also provide world-class e-discovery capabilities through:

- Internationally-recognized experts in both legal and operational e-discovery
- Best-of-breed technology for collection, processing, review, and analytics
- An industry-leading flat fee billing model that effectively reduces, projects and controls client e-discovery costs

Approach

Proactive Advice

We work collaboratively with our colleagues and clients to make strong strategic decisions when devising effective litigation and settlement tactics. Our attorneys take a unique approach to proving brand infringement and defending against infringement claims, including litigating non-traditional marks based on logo designs, names, signatures, letters, numbers, product shapes, packaging, and colors. Our well-established track record of trying district court cases — on the merits — to final dispositions allows us to leverage procedural mechanisms, such as notices of reliance; depositions on written questions (non-U.S.-based opponents); and the submission of third-party registrations as effective strategies

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