

Representative Litigation Case Studies:

K. Hansotia & Co., Inc. v. Global Marketing and Distribution AG, Case No. 0:15-cv-62358-FAM (SDFL June 17, 2016)

In an effort to move Mr. Gilman's client's, Global Marketing, first-filed cancellation proceeding from the US Patent and Trademark Office ("USPTO"), Trademark Trial and Appeal Board, to its own backyard, K. Hansotia filed a federal court infringement action in the Southern District of Florida. In an Order of the Florida District Court on June 17, 2016, Judge Moreno granted Global Marketing's motion to stay the federal court action pending the final outcome of the USPTO proceeding. The dispute will now move forward in the USPTO, seeking cancellation of K. Hansotia's federal trademark registration.

The Basu Group, Inc. v. Biacci, Inc. et al., Case No. 12-cv-05565 (SN) (SDNY 2015)

Mr. Gilman represents The Basu Group, Inc. Basu Group owns the ANUSCHKA brand worldwide and sells, amongst other things, hand painted handbags under this brand. In this copyright infringement litigation started in the United States District Court, for the Southern District of New York, Basu Group was looking stop a wide selection of knock-off handbags being sold by Biacci in the US, Canada and the EU. The case commenced in 2012 and was positively settled for Basu Group in 2015.

JEC II, LLC v. CGG, L.L.C., Consolidated Oppositions and Cancellation 91187956 (TTAB September 2, 2014)

Mr. Gilman represented opposer/petitioner JEC against CGG (now SH Group Global IP Holdings, L.L.C.). JEC, now The One Group LLC, is the owner of the brand "STK" for upscale and hip steakhouses. JEC was also looking to own the mark "ONE" in the US for hotels and restaurants. CGG/SH Group is owned by one of the country's (if not the world's) most renown hoteliers, Barry Sternlicht, who started W Hotels, Starwood Resorts. In a proceeding that started in 2008, Mr. Gilman's ultimate victory over this powerful defendant and its legal team in 2014, allowed Mr. Gilman's client to dictate the terms under which CGG/SH Group could move forward with use of the name "1 HOTEL" throughout the country, and other relief.

Kerzner International Limited v. JEC II LLC, Opposition No. 91167455 (TTAB January 22, 2011)

Kerzner Int'l, owner of the Atlantis hotel and resort in the Bahamas, as well as the 5/6 star ONE & ONLY resorts around the world, and represented by the large Washington, DC firm of Morgan Lewis & Bockius, LLP, opposed several US federal trademark applications and an issued federal registration of Mr. Gilman's client JEC II LLC. The proceeding was based upon Kerzner's federal service mark registrations for the mark ONE & ONLY, and was against various "ONE" marks for hotel and restaurant services owned by JEC. Mr. Gilman moved for partial summary judgment to cancel all but one of the service recitations of one of Kerzner's registrations. The motion was based upon admissions that Kerzner was not providing, and had never provided, these services in the United States, so that the registration for these services under the mark ONE & ONLY by Kerzner was void *ab initio*. Summary judgment was granted in Mr. Gilman's client's favor, on September 25, 2007, cancelling resort services, restaurant and bar services, health clubs services, golf club services, and the like from the registration in question and leading to a post-decision settlement in favor of Mr. Gilman's client on January 22, 2011.

Worldwide Dreams LLC v. Shady Character Unlimited, Ltd. et al., Index No. 602897/05 (Supreme Court of the State of New York, New York County, Civil Term, Part 53, Judge Charles Ramos, April 24, 2008)

In this New York State court, civil litigation commenced in August, 2005, Mr. Gilman successfully defended the Shady Character company against the accusations of Worldwide Dreams that Shady Character had aided and abetted breach of fiduciary duties of certain past employees of Worldwide Dreams regarding a past licensor/licensee relationship between Shady Character (as licensor) and Worldwide Dreams (as licensee). Here again, Mr. Gilman was up against a large company, represented by the large New York City, Madison Avenue firm, Katten Muchin Rosenman, LLP. In the court's amended Order from the hearing transcript on defendants' motion for summary judgment, dated April 24, 2008, not only did the court grant Mr. Gilman's summary judgment motion, but allowed for continued proceedings to determine if sanctions should be awarded against Worldwide Dreams and its counsel for commencement of a frivolous case.

PLX, Inc. v. Prosystems, Inc., 220 F.R.D. 291 (N.D.W. Va. March 29, 2004)

In this patent infringement action in the United States District Court for the Northern District of West Virginia, Mr. Gilman represented plaintiff, PLX, against defendant, Prosystems and its two officers. Prosystems was represented by the international firm, Howrey, Simon, Arnold & White, LLP. After prevailing on several pretrial matters, including sanctions against the defendant and its counsel for discovery abuses, the Court ruled in Mr. Gilman's client's favor on every one of the disputed patent claim terms in the *Markman* hearing. A published copy of the court's Decision is found at the above cite. A prompt settlement in favor of PLX, thereafter resulted.