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representative matters

- Representative litigation experience
 - *Automated Micro Systems, Inc. v. Coombs, et al.* (Va. Cir. Ct., Chesterfield Cty. 1997). Prosecution of trade secret misappropriation and unfair business practice claims against software programmer.
 - *Bettertype Ribbons, Inc. v. Corporate Express of the East, Inc.* (E.D. Va. 1999). Prosecution of trademark infringement claim relating to printer ribbons and cartridges, resulting in successful settlement.
 - *Capitol Broadcasting Co., Inc. v. National Broadcasting Co.* (E.D.N.C. 1990). Defense of NBC against claim by CBS affiliate that NBC infringed on rights in the state-registered service mark THE PLACE TO BE.
 - *Cargill, Incorporated v. Walco Int'l, Inc.* (T.T.A.B 2004). Representation of agribusiness products distributor in companion trademark oppositions adverse to Cargill.
 - *Chesapeake Corp. v. Hodgdon* (T.T.A.B. 1992). Prosecutions of two oppositions challenging intent-to-use applications to register COLONIAL DOWNS for use with horse racing.
 - *Checkers Drive-In Restaurants, Inc. v. Bullets Corporation of America* (E.D. Va. 1992). Defense of "double drive through" fast food restaurant against competitor's claim that exterior restaurant design infringes its trade dress.
 - *Communications Corporation of America v. Hardy* (E.D. Va. 1995). Copyright infringement and trade secret misappropriation claims involving operations software program.
 - *Coupons, Inc. v. Value America, Inc.* (N.D. Ga. 1999). Defense of trademark infringement (reverse confusion)/false advertising claim brought by advertising agency against Internet retailer on eve of initial public offering.
 - *Country Hospitality Inns, Inc. v. Mimar Investment Co.* (E.D. Va. 1989). Representation of franchisor in claim that former franchisee's interior hotel design infringed its trade dress.
 - *Dufresne v. Paisano Publications, Inc.* (E.D. Va. 1990). Defense of copyright infringement, trademark infringement, false designation of origin and RICO claims, all in connection with T-shirt designs and catalogs.
 - *Durango's Steak Houses, Inc. v. Bullard* (T.T.A.B. 1999). Prosecution of cancellation proceeding against Florida franchisor involving DURANGO's mark for restaurant services.
 - *General Electric Co. v. R Squared Scan Systems, Inc.* (M.D.N.C 1991). Prosecution of GE Medical Systems' claim that R Squared infringed GE copyrights in software for CT scanners and defense of antitrust counterclaim, resulting in entry of permanent injunction and dismissal of counterclaim. Follow-on successful defense of claimed right to disassemble and decompile software and to use programming tools.
 - *General Medical Corp. v. MediPac Technologies, Inc.* (E.D. Va. 1992). Prosecution of plaintiff's claim that MediPac as a trade name infringes on prior rights in MEDI-PAK as a trademark for medical supplies.
 - *Heyden v. MultiChannel TV Cable Co. of Virginia* (W.D. Va. 1996). Defense of City of Charlottesville in claim of copyright infringement of video production.
 - *Imperial Tobacco, Ltd. v. Philip Morris Incorporated*, 899 F.2d 1575, 14 U.S.P.Q.2d 1390 (Fed. Cir. 1990). Secured affirmation of TTAB award of summary judgment that Imperial abandoned the mark JPS for cigarettes.

representative matters (cont.)

- *Innovative Health Care Systems, Inc. v. Integrated Health Services, Inc.* (N.D. Ala. 1992). Representation of defendant/counterclaimant in action involving common law rights in IHS as used with health care facilities.
- *Jackson v. McDonald's Corp.* (D. Conn. 1987). Defense of McDonald's against claim that it misappropriated an idea submitted to it without solicitation, relating to "McFortune Cookie," resulting in dismissal of claim.
- *Jefferson Vineyards Limited Partnership v. The Thomas Jefferson Foundation* (T.T.A.B. 2003). Opposition proceeding on behalf of winery challenging application to register Thomas Jefferson signature for use with wine.
- *Lubrizol Corp. v. Ethyl Petroleum Additives, Inc.* (D. Del. 1988). Defense of patent infringement action; prosecution of antitrust & unfair competition counterclaims.
- *MacroSonix Corporation v. Harman Int'l Industries, Inc.* (E.D. Va. 1994). Successful prosecution of trade secret misappropriation and patent claims by Virginia start-up company against Fortune 500 firm.
- *The MedLink Group, Inc. v. MedLink, Inc.*, (E.D. Va. 1997). Prosecution of service mark infringement action relating to marks for medical services businesses.
- *Morgan v. Cadmus/O'Keefe Marketing* (D. NM 1997). Defense of copyright infringement claim involving style of artistic work allegedly mimicked by advertising agency.
- *Plastination Company, Inc. v. Premier Exhibitions, Inc.* (N.D. Ohio 2005). Defense of claims of copyright, trademark and trade dress infringement regarding exhibitions of human bodies.
- *Phillip Morris Incorporated v. Fischbach & Moore* (E.D. Va. 1987). Prosecution of antitrust action alleging horizontal price fixing by several electrical contractors.
- *Phillip Morris Incorporated v. MidWest Tobacco, Inc.*, 9 U.S.P.Q.2d 1210 (E.D. Va. 1988), later op., 14 U.S.P.Q.2d 1652 (E.D. Va. 1989). Secured TRO, preliminary and permanent injunctions restraining overseas advertising and sale of MIDWEST trade dress, which infringed MARLBORO trade dress.
- *Phillip Morris Incorporated v. Reemtsma Cigarettenfabriken GmbH*, 14 U.S.P.Q.2d 1487 (T.T.A.B. 1990).
- Determination of whether PARK AVENUE for cigarettes was primarily geographically deceptively misdescriptive and/or confusingly similar with PARK AVENUE in BENSON & HEDGES trade dress.
- *The Shield Company v. Epmark, Inc.* (E.D. Va. 2003). Declaratory judgment action seeking judgment that elements of architectural works are not copyrightable and not infringed.
- *Southern Pines Chrysler-Plymouth, Inc. v. Chrysler Corp.*, 876 F.2d 1360 (4th Cir. 1987). Amicus representation of Motor Vehicles Manufacturers Association concerning claims that Chrysler engaged in tying in violation of the Sherman Act.
- *Tecomet, Inc. v. Mikro Systems, Inc.* (D. Ma. 2003). Defense of trade secret misappropriation claims relating to micro-mechanical manufacturing techniques.
- *TransForce, Inc. v. TransForce Income Fund* (E.D. Va. 2004). Defense of Canadian trucking company in trademark dispute brought by a staffing company serving the trucking industry.
- *World Access, Inc. v. Loewen Group International, Inc.* (T.T.A.B. 1997). Opposition challenging application to register TRAVEL CARE PLUS, successfully settled upon filing of motion for summary judgment.
- *World Access, Inc. v. Access Worldwide Communications, Inc.* (T.T.A.B. 2002). Consolidated cancellation/opposition proceedings regarding marks used with travel- and insurance-related services.
- *W.R. Biles & Associates, Inc. v. AbTech Corp.* (S.D. Tex. 1995). Successful defense of trademark infringement claim.