

# Trademark Infringement Damages

## American Rena International Corp. Et Al. V. Sis-Joyce International Co. Ltd., Et Al.

Inhouse Co. Law Firm retained Hampton IP & Economic Consultants on behalf of Sis-Joyce to calculate economic remedies arising from alleged trademark infringement, copyright infringement, and unfair competition in Case No. 2:12-cv-06972 in the United States District Court, Central District of California, Western Division.

American Rena specializes in anti-aging skin care products including mists, facial cleansers, moisturizers, whitening creams, and body wash products. Sis-Joyce began operating in about the 1980's in China selling beauty products and expanded into the United States to engage in a multi-level marketing method. American Rena accused Sis-Joyce of numerous wrongful acts including trademark infringement related to an anti-aging beauty product.

**Hampton IP calculated remedies and prepared an expert report.**

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## Bell Helicopter Textron, Inc. V. H-S Tool And Parts, Inc., Et Al.

Rohde & Van Kampen, PLLC (Seattle) retained our consultants, on behalf of the plaintiff, with regard to Case No. 67-204689-04 in the 67th Judicial District Court in Tarrant County, Texas, to provide an opinion of damages resulting from the alleged infringement of trademarks. The defendants allegedly refurbished and sold trademarked helicopter parts.

**We assisted with discovery, quantified Lanham Act damages and submitted a Rule 26 expert report.**

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## Blue Rhino Corporation V. White Rose Propane, LLC

THE CASE SETTLED BEFORE TRIAL.

Snell & Wilmer (Salt Lake City) retained our consultants, on behalf of the defendant, with regard to Case No. 2:02-CV-01165 in the United States District Court for the District of Utah, to provide an opinion on the alleged trademark infringement.

**We provided an accounting of alleged lost profits, fees, and reimbursements and issued a Rule 26 expert report.**

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## **Bravo Corporation V. U.S. Trading Company**

**SETTLED FAVORABLY FOR THE DEFENDANT AT MEDIATION**

Lannon & Associates (Los Angeles) retained our consultants, on behalf of the defendants, with regard to Case No. 2:01-CV-07542 in the United States District Court for the Central District of California, to calculate damages arising from the alleged infringement of the "hyper" trademark.

**We calculated a reasonable royalty for the use of the trademark, provided economic damage analyses, and submitted a Rule 26 expert report.**

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## **General Charles E. Yeager V. Fort Knox Security Products**

Alder Law PC retained Hampton IP on behalf of General Charles E. “Chuck” Yeager (Ret.) to provide an opinion of economic remedies arising from Fort Knox Security Products, Inc.’s alleged violation of common law rights to privacy/publicity; violation of statutory rights to privacy/publicity; violation of Section 43(a) of the Lanham Act; and unjust enrichment.

Young, Kester, Black & Jube represented Fort Knox Security Products, Inc.

Plaintiff’s claimed that from 1986 to the present, Fort Knox used General Yeager’s name and image to promote and sell its products. From 1989 to 2007 Fort Knox sold a high-end line of safes named the Yeager line.

**Scott Hampton submitted a Rule 26 report that included the calculation of monetary remedies.**

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## **Colorado Instrument, Inc. D/B/A Solar World V. SolarWorld AG, Et Al.**

**THE CASE SETTLED.**

Nixon Vanderhye (Washington D.C.) retained Hampton IP professionals, on behalf of the plaintiff, with regard to Case No. 1:08-cv-01230 in the United States District Court for the District of Colorado, to provide an opinion of damages arising from the alleged trademark infringement of the mark “Solar World” used in connection with solar energy products.

**Hampton IP professionals provided a lost sales and lost profit analysis, Rule 26 expert report, a supplemental report, and gave deposition testimony.**

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## Denice Shakarian Halicki, Et Al. V. Carroll Shelby, Et Al.

Sedgwick, Detert, Moran & Arnold LLP (Los Angeles) retained Hampton IP professionals, on behalf of the Defendant, with regard to Case No. 2:07-cv-06859 in the United States District Court for the Central District of California, to provide an opinion of damages arising from the alleged trademark infringement of the marks “Eleanor” and “Gone in 60 Seconds.”

**Hampton IP professionals provided a Rule 26 expert report.**

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## H&R Block Eastern Enterprises, Inc., Et Al. V. Intuit, Inc.

THE CASE SETTLED FAVORABLY FOR H&R BLOCK.

Berkowitz Oliver Williams Shaw & Eisenbrandt (Kansas City) retained Hampton IP & Economic Consultants, on behalf the plaintiff, with regard to Case No. 4:06-CV-00039 in the United States District Court for the Western District of Missouri, to provide an opinion of damages arising from alleged false advertising, unfair competition, and trademark infringement. The defendant ran advertising spots that allegedly misrepresented characteristics and qualities of H&R Block.

**We provided economic damage analyses and submitted a Rule 26 expert report.**

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## Hawaii International, Inc., Et Al. V. Seven Seas Seafood, Inc., Et Al.

CASE SETTLED FAVORABLY FOR HAWAII INTERNATIOL.

Cades Schutte, LLP (Honolulu) retained our consultants, on behalf of the plaintiff, with regard to Case No. 1:03-CV-00460 in the United States District Court for the District of Hawaii, to provide an opinion of damages arising from alleged false advertising.

**We provided lost profit and reasonable royalty damage analyses and submitted a Rule 26 expert report.**

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## Karen Dillard's College Prep V. KD Studio, Inc.

THE PLAINTIFF OBTAINED A FAVORABLE VERDICT.

Kennedy Law (Dallas, TX) retained Hampton IP & Economic Consultants, on behalf of Karen Dillard's College Prep, L.P., with regard to Case No. 6:13-cv-00710 in the United States District Court for the Eastern District of Texas, Tyler Division, to provide an opinion on economic remedies arising from KD Studio, Inc.'s alleged violations of trademark infringement and unfair competition.

The case involved KD Studio Inc.'s use of the mark "KD College."

**Hampton IP submitted a Rule 26 expert report, as well as a rebuttal report. Hampton IP also provided expert testimony at trial.**

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## Klein Becker USA, LLC, Et Al. V. Tarik S. Tahini A/K/A Eric Morello, Et Al.

Klein Becker USA, LLC, et al. (Salt Lake City) retained Hampton IP professionals, on behalf of the plaintiffs, with regard to Case No. 2:07-cv-00521 in the United States District Court for the District of Utah, to determine damages arising from the alleged trademark infringement, false advertising, unfair competition, copyright infringement, and intentional interference with existing and prospective business relations related to the mark "StriVectin."

**Hampton IP professionals provided a Rule 26 expert report.**

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## Maaco Franchising, LLC V. SRS Ventures, Inc., Et Al.

THE CASE SETTLED PRIOR TO TRIAL.

Gordon & Rees LLP, located in Los Angeles, retained Hampton IP on behalf of SRS Ventures, Inc. to provide an opinion on monetary damages arising from alleged trademark infringement and breach of contract in Case No. 8:14-cv-00606 in the United States District Court for the Central District of California.

Maaco claimed SRS Ventures violated its franchise agreement through continued use of the marks “MAACO” and “AMERICA’S BODYSHOP” after terminating its franchise agreement. SRS Ventures claimed the use of the marks was immaterial and inadvertent.

**Hampton IP submitted a Rule 26 Report.**

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## National Products, Inc. V. Gamber-Johnson, LLC

JURY AWARDED NATIONAL PRODUCTS, INC. \$10,000,000

Fenwick & West LLP (Silicon Valley Center), on behalf of National Products, Inc., engaged Hampton IP & Economic Consultants to provide an opinion of damages arising from Gamber-Johnson, LLC’s false advertising, unfair competition, and unjust enrichment in the case titled, National Products, Inc. v. Gamber-Johnson, LLC, in the United States District Court for the Western District of Washington at Seattle, case number 2:08-cv-00049C.

Both National Products, Inc. and Gamber-Johnson, LLC manufacture and sell vehicle-mounting devices used to restrain computers in automobiles.

Gamber-Johnson created an infomercial titled “The Mounting Evidence” that directly compared the companies’ mounting devices.

National Products, Inc. sued, claiming the infomercial contained false and misleading statements about its products.

**Mr. Hampton prepared two expert reports, gave deposition testimony, and testified at trial.**

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## Nordstrom, Inc. V. Beyond The Rack

THE CASE SETTLED.

Baker Williams Mattiesen LLP's Houston, Texas office, engaged Hampton IP & Economic Consultants on behalf of Nordstrom, Inc. to provide to provide an opinion of remedies arising from 7525419 Canada Inc. d/b/a Beyond The Rack's, Beyond The Rack Enterprises, Inc.'s, and Beyond The Rack USA Inc.'s alleged trademark infringement, trademark dilution, violation of Section 43(a) of the Lanham Act, and violation of the Anticybersquatting Consumer Protection Act.

Nordstrom owns and operates off price stores using its trademarks "Nordstrom Rack®," "The Rack®," and "Rack®." Nordstrom alleged that defendants chose the Beyond The Rack domain name and business name with the intent and purpose of trading off of the substantial goodwill in the Rack Marks.

**Hampton IP calculated remedies and submitted an expert report.**

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## OTR Wheel Engineering, Inc., Blackstone/OTR, LLC, And F.B.T. Enterprises, Inc. V. West Worldwide Services, Inc., Et Al.

McKee, Voorhees & Sease, PLC (Des Moines, IA) retained Hampton IP & Economic Consultants, on behalf of West Worldwide Services, Inc. and Samuel J. West, to provide an opinion on monetary damages arising from alleged federal trademark infringement and trade secret misappropriation, as well as an opinion of the sales and profit West Worldwide lost as a result of the Preliminary Injunction Order at the request of OTR, in Case No. 2:14-cv-00085 in the United States District Court for the Eastern District of Washington.

OTR claimed West Worldwide infringed OTR's Outrigger tire tread design (trade dress) and trade mark and misappropriated OTR's trade secrets on how to manufacture its tires.

**Hampton IP submitted a Rule 26 expert Report and a Rebuttal Report in response to the defendant's claims.**

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## PC Specialists, Inc. V. Micros Systems, Inc.

THE CASE SETTLED PRIOR TO A RULE 26 REPORT.

Haight Brown & Bonesteel LLP engaged Hampton IP & Economic Consultants on behalf of Micros Systems to respond to PC Specialists' expert report and to provide an

opinion of damages arising from Micros Systems' alleged infringement of PC Specialists' trademarks.

PC Specialists is a California corporation with offices in Albuquerque, Atlanta, Boise, Denver, Detroit, Honolulu, Indianapolis, Irvine, Fort Walton Beach, Las Vegas, Pensacola, Philadelphia, Richmond, San Antonio, Seattle, and Tampa. PC Specialists provides cloud computing, enterprise storage, virtualization, IT security services, network management services, and web hosting and development services.

Micros Systems, located in Columbia, Maryland, is a leading provider of enterprise applications for both the restaurant and hospitality industries. PC Specialists alleged that Micros Systems infringed its "TIG Global" trademark.

**Mr. Hampton analyzed PC Specialists' expert's report and provided an analysis of damages.**

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## Philips Electronics North America Corporation, Et Al. V. BC Technical, Inc.

THE CASE SETTLED.

Ryan Swanson & Cleveland, PLLC (Seattle) retained Hampton IP professionals, on behalf of the plaintiff, with regard to Case No. 2:08-cv-00639 in the United States District Court for the District of Utah, to provide an opinion of damages arising from the alleged trademark infringement, copyright infringement, misappropriation of trade secrets, and tortious interference with business relations by the defendant. The plaintiff's claims involved customer lists and service agreements related to nuclear medicine.

**Hampton IP professionals provided a Rule 26 expert report, and gave deposition testimony.**

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## Smile, Inc. Asia PTE. LTD. V. BriteSmile Management, Inc., Et Al.

THE CASE SETTLED.

Kirton & McConkie (Salt Lake City) Hampton IP & Economic Consultants, on behalf of the plaintiff, with regard to case no. 020903521 in the Third Judicial District Court of Utah, to provide a valuation of the "BriteSmile" trademark and its derivations.

**We provided a Rule 26 expert report, a supplemental report, and deposition testimony.**

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## Soloflex, Inc. V. Bowflex, Inc., Et Al.

SETTLED FAVORABLY FOR THE DEFENDANT BEFORE TRIAL

Lane Powell Spears Lubersky, LLP (Seattle) retained our consultants, on behalf of the defendant, with regard to Case No. 3:98-CV-00557 in the United States District Court for the District of Oregon, to provide an opinion of damages arising from the alleged infringement of trademarks, copyrights, and trade secrets. The property rights involved sales of Direct Focus' BowFlex line of exercise equipment based on direct advertising television commercials and spots.

**We provided economic damage analyses, submitted a Rule 26 expert report, and gave deposition testimony.**

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## The KatiRoll Company, Inc. V. Kati Junction Inc., Et Al.

THE CASE SETTLED PRIOR TO TRIAL.

Hampton IP was retained by Feldman Law Group, P.C., located in New York City, on behalf of Kati Junction Inc., to provide an opinion on monetary damages arising from trademark and trade dress infringement and misappropriation of trade secrets and a rebuttal to The KatiRoll Company, Inc.'s expert in Case No: 1:14-cv-01750 in the United States District Court, Southern District of New York.

The case involved the alleged infringement of the KatiRoll's federally registered service mark "The Kati Roll Company" and KatiRoll's trade dress. The KatiRoll also claimed misappropriation of trade secrets—the recipes for its kati rolls.

**Hampton IP submitted a Rebuttal Report.**

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## Tropicana Las Vegas, Inc., Et Al. V. Aztar Corporation, Et Al.



Glaser, Weil, Fink, Jacobs, Howard & Shapiro, LLP (Los Angeles) retained Hampton IP professionals, with regard to Case No. 2:09-cv-01488 in the United States District Court for the District of Nevada, on behalf of the plaintiff and counterclaim-defendants, to provide an opinion of damages arising from the alleged trademark infringement of the mark “Tropicana.”

**Hampton IP professionals provided an opinion regarding royalty rates.**

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## Zest IP Holdings, Inc. V. Implant Direct MFG, Inc.

Kleinberg & Lerner, L.L.P. retained Hampton IP on behalf of Implant Direct Mfg. LLC, Implant Direct LLC, and Implant Direct Int'l to respond to an opposing expert's report submitted in support of Zest IP Holdings' allegations of trademark infringement, unfair competition, and false advertising.

Mayer Brown LLP represented Zest IP Holdings, Inc.

Trademarks include U.S. Registration 989,049, 1,251,485, and 2,559,602. U.S. Registration 989,049 and 1,251,485 are both for the word mark ZEST,® and U.S. Registration 2,559,602, for the LOCATOR® word mark.

**Hampton IP submitted a Rule 26 report.**