

JANUARY 17, 2020 | NEWS

Shumaker Earns 2 of Top 7 Trademark Rulings in Law360's Midyear Review

CHARLOTTE, NC – Shumaker, Loop & Kendrick, LLP's Charlotte and Toledo office Litigation teams have earned a place of distinction in Law360's, "Top 7 Trademark Rulings Of 2019: A Midyear Review".

Shumaker's Charlotte Intellectual Property Litigation team, on behalf of its client Variety Stores, Inc. won a \$95 million jury verdict, in addition to an award of \$4.1 million on attorneys' fees, for willful trademark infringement against Walmart Stores, Inc. for its infringing use of Variety's "Backyard" trademark on a wide range of outdoor products, including barbecue grills. The article noted the case for its "eye-popping damages" award.

Variety is represented by Shumaker lawyers, W. Thad Adams, III, Samuel "Alex" Long, and Christina Davidson Trimmer of Shumaker, Loop & Kendrick LLP, and Scott P. Shaw of Call & Jensen PC. The case is *Variety Stores, Inc. v. Wal-Mart Stores, Inc.*, case number 5:14-cv-217-BO, in the U.S. District Court for the Eastern District of North Carolina Western Division.

Shumaker Toledo litigators were successful in obtaining a preliminary injunction on behalf of its client Spangler Candy Co., the maker of Dum Dum lollipops, barring rival Tootsie Roll Industries LLC from selling its competing mini-pops in look-alike red bags. The judge noted in his opinion that Spangler would likely win its lawsuit claiming Tootsie Roll violated the Lanham Act by switching to "deceptively and confusingly similar" new bags for its Charms Mini Pops.

Spangler is represented by David W. Wicklund and Matthew T. Kemp. The case is *Spangler Candy Co. v. Tootsie Roll Industries LLC*, case number 3:18-cv-01146, in the U.S. District Court for the Northern District of Ohio.

View full article here:

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Founded in 1925, Shumaker, Loop & Kendrick, LLP is a full-service law firm with more than 260 lawyers and seven offices in Toledo and Columbus, Ohio; Tampa and Sarasota, Florida; Charlotte, North Carolina; Charleston, South Carolina; and Bloomfield Hills, Michigan. Shumaker is a premier provider of quality legal services. Whether it's commitment to clients or work in the community, involvement lies at the core of all of Shumaker's initiatives.