B&W Wins Trademark Infringement Case

October 6, 2006

Banner & Witcoff, Ltd. and Roylance, Abrams, Berdo & Goodman, L.L.P. are pleased to announce that they won final judgment in the case of *Central Mfg. Co., et al. v. Pure Fishing, Inc., et al.*

On October 4, 2006, the Court—a federal court in Chicago—entered final judgment on all counts in favor of the firms' clients, Pure Fishing et al. Further, the Court declared the case to be "exceptional" under 15 U.S.C. § 1117(a) and ordered Central Mfg.—a Leo Stoller company—to pay Pure Fishing's costs, charges and disbursements, including a reasonable attorneys' fees, incurred in the action.

In addition, the Court (1) ordered that US Trademark Registration No. 1,766,806 and the STEALTH mark for fishing bobbers was "lapsed, invalid, abandoned, unenforceable, and forfeit under federal and common laws;" (2) canceled each trademark registration listed in the complaint; (3) held that there was no reasonable likelihood of confusion with respect to the mark used by Pure Fishing; (4) held that Leo Stoller and his companies were liable for a prior judgment in S Industries, Inc. v. Centra 2000, Inc., 1998 U.S. Dist. LEXIS 10649, 1998 WL 395161 (N.D. Ill. 1998) so as to allow execution against that judgment; and (5) enjoined Leo Stoller and his companies from, inter alia, "dissipating, transferring, assigning, liquidating, or otherwise removing the trademark assets."

In a rare decision, the Court further ordered that Leo Stoller and his companies were "vexatious litigants" and barred them "from instituting any lawsuit or trademark opposition without prior leave of this Court pursuant to this Court's authority under the All Writs Act 28 U.S. C. § 1651(a)."

The legal team on this case representing Pure Fishing was Timothy C. Meece of Banner & Witcoff, Ltd. and Lance J. Johnson of Roylance, Abrams, Berdo & Goodman, L.L.P.

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