

Litigation & Enforcement

Strategic Advocacy for Complex Intellectual Property Disputes

Intellectual property disputes demand more than courtroom skill—they require a clear understanding of business objectives, effective communication, and strategic execution. Banner Witcoff's Litigation practice represents leading brands, innovators, market leaders, and emerging companies in complex IP disputes nationwide.

Why District Court Litigation Matters

District court litigation can shape the future of brand equity, critical technologies, market access, and competitive positioning. Our trial lawyers help clients:

- Enforce patents, trademarks, copyrights, and trade secrets
- Defend against infringement and misappropriation claims
- Navigate early case strategy, discovery, and dispositive motions
- Manage litigation risk, cost, and business disruption
- Position matters for trial, settlement, or appeal
- Align litigation strategies with broader IP and commercial objectives

We approach every matter with an understanding that litigation outcomes have lasting business consequences.

Our District Court Litigation Approach

Strategic Early Case Assessment

We evaluate business objectives, technical merits, market dynamics, and legal exposure to develop a focused litigation strategy from the outset.

Case Development and Discovery

Our team leverages deep experience and advanced technologies to manage fact and expert discovery efficiently. We build clear, persuasive narratives grounded in both technical accuracy and practical business context.

Motion Practice and Trial Advocacy

We take a disciplined, results-oriented approach to motion practice—focusing on dispositive issues, minimizing unnecessary disputes, and advocating effectively in court.

Settlement and Alternative Dispute Resolution

While many cases proceed toward trial, most resolve through negotiation. We identify strategic opportunities for resolution early and pursue favorable outcomes through direct negotiation, mediation, or arbitration.

Post-Trial and Appellate Strategy

A favorable judgment is often one step in a broader process. We anticipate post-trial needs, including appeals, enforcement of injunctive relief, and recovery of damages, and provide experienced appellate advocacy.

Why Clients Choose Banner Witcoff

Banner Witcoff attorneys are experienced advocates in technologically and commercially complex disputes. Our litigation teams integrate expertise across:

- IP litigation and enforcement
- Patent and trademark prosecution
- PTAB and TTAB proceedings
- Licensing and portfolio strategy

This integrated approach allows us to tailor litigation strategies to each client's business objectives, risk tolerance, and long-term goals. We regularly represent clients before district courts, the PTAB, the TTAB, the ITC, and appellate courts nationwide.

Industries We Serve

- Consumer products and brand-driven goods
- Software, artificial intelligence, and data-driven technologies
- Life sciences, biotechnology, and medical devices
- Semiconductors, electronics, and telecommunications
- Automotive, aerospace, and advanced manufacturing
- Chemical, materials, and mechanical technologies

Banner Witcoff delivers focused, technically informed advocacy to help clients protect their intellectual property and competitive position.

Representative Matters

Patent Infringement Jury Verdict and Federal Circuit Affirmance (Interactive Pictures Corporation)

Represented Interactive Pictures Corporation in a federal district court patent infringement action, securing a jury verdict in favor of the client that was affirmed by the U.S. Court of Appeals for the Federal Circuit.

Summary Judgment of Non-Infringement Affirmed on Appeal (The Greenbrier Companies)

Represented The Greenbrier Companies in patent litigation, securing summary judgment of non-infringement, which was affirmed on appeal by the Federal Circuit.

Trademark Enforcement and Jury Verdict (Buc-ee's)

Represented Buc-ee's in trademark infringement and dilution litigation, securing a jury verdict on all counts and reinforcing protection of a well-known brand.

Relevant Practices

Appellate Litigation

Brand Protection

Copyright Registrations and Enforcement

Counseling, Opinions + Licensing

Counterfeit Goods Seizure

Design Patents

Jury Trials

Litigation

Patent Interferences

PTAB Litigation

Patent Prosecution

Section 337/ITC Litigation

Trade Dress

Trade Secrets

Trademarks

Deep experience in all aspects of IP.

In the past 10+ years Banner Witcoff has filed:

44

PATENT LITIGATIONS

49

TRADEMARK LITIGATIONS

16+

OTHER IP LITIGATIONS

Representative Experience

ZRD, L.L.C. Afroman Music v. ZRD LLC, 1:23-cv-3570, U.S. District Court for the Northern District of Illinois

We served as defense counsel, representing the accused infringers in disputes over music performances in bar and restaurant venues in the Chicago area, mitigating damages in high-profile music copyright claims tied to ASCAP enforcement.

The Greenbrier Companies, Inc. National Steel Car Limited v. The Greenbrier Companies, Inc., 6-19-cv-00721, U.S. District Court for the District of Oregon

Represent The Greenbrier Companies, Inc. in a patent infringement suit brought by National Steel Car over alleged infringement of two patents related to gondola rail cars.

Mortimer Walters and Florian Karrer Lexington Services Ltd., v. U.S. Patent No. 8019807 Delegate, LLC and Florian Karrer, 2018-0157-TMR, The Delaware Court of Chancery

Represented Mortimer Walters and Florian Karrer, and their company in litigation against Lexington Services Ltd. The actions involved whether our client's designee or Lexington controlled the '807 patent.

Apprio, Inc. Zaccari v. Apprio Inc., 1:18-cv-01560, U.S. District Court for the District of Columbia

Represented Apprio, Inc. in litigation filed by a former employee who sought \$63 million for the alleged infringement of copyrighted software

Yeti Coolers, LLC Yeti Coolers, LLC v. Wal-Mart Stores, Inc., 1:17-cv-01145, U.S. District Court for the Western District of Texas

Represented YETI Coolers in ongoing litigation alleging Walmart sold, and allowed third parties to sell, counterfeit YETI drinkware on the walmart.com website.

Mattel Spin Master Ltd. V. Mattel, Inc. No. 2:18-cv-03435, U.S. District Court for the Central District of California

Represented Mattel in a patent infringement case involving Mattel's Mecard line of transformable toys, as well as in three associated inter partes reviews.

Buc-ee's Ltd. Buc-ee's Ltd. v. Shepherd Retail, Inc., et al., No. 4:15-cv-03704, U.S. District Court for the Southern District of Texas

Represented Buc-ee's in defending its famous logo in litigation including counts alleging trademark infringement, trademark dilution, unfair competition, and unjust enrichment.

NIKE Asics Am. Corp. v. Akeva L.L.C. v. NIKE, Inc.; Adidas America, Inc.; New Balance Athletic Shoe Inc.; and Puma North America, Inc., No. 19-2249, U.S. District Court for the Middle District of North Carolina

Represented NIKE against Akeva's allegations that NIKE and others infringed 19 patents directed to alleged improvements in rear soles of athletic footwear.

Converse Converse v. ITC, No. 16-2497, U.S. Court of Appeals for the Federal Circuit

Banner Witcoff represented Converse in parallel cases at the U.S. International Trade Commission and in New York federal court against Wal-Mart, Skechers and more than 30 other companies for violating its trade dress rights by selling knockoff versions of the iconic Chuck Taylor All Star sneaker. The case was one of the largest trademark cases in ITC history based on the number of respondents and scope of the investigation.

Wargaming.Net LLP Wargaming.Net LLP v. Changyou.com, 1:13cv03444, U.S. District Court for the Northern District of Illinois

Representing World of Tanks® developer Wargaming.net, the firm won a temporary restraining order, preliminary injunction, and final judgment against operators of WorldOfTankShop.com for copyright infringement, trademark counterfeiting, and false affiliation.

Jagex Ltd. Jagex Ltd v. Impulse Software, 10-cv-10216-NMG, U.S. District Court for the District of Massachusetts

For RuneScape® creator Jagex, Ltd., we obtained judgments for copyright infringement, DMCA violations, trademark infringement, computer fraud, and tortious interference against bot software developers.

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