

## Consumer Products

### **Providing a competitive marketplace edge**

Marshall, Gerstein & Borun LLP's considerable experience in all phases of intellectual property law encompasses the range of issues that may arise in the consumer product marketplace. Our practice includes counseling and assisting clients in selecting and establishing trademarks, developing brand protection programs, registering and protecting copyright, reviewing advertising and marketing materials for copyright, trademark, and fair use issues; and pursuing patent and trade secret protection for products and processes. We also assist in developing successful licensing programs, and challenge infringements of our clients' rights.

Our Firm prides itself on partnering with clients to develop legal solutions and protections for the intellectual property assets which enable them to compete and prosper in the modern marketplace. We focus on developing and protecting our clients' rights. Not only through clearance and registration, but also by providing counseling and strategies for product development, marketing, and branding.

We work hard with clients to resolve issues through legally-guided business solutions. But if litigation is required, our attorneys' formidable litigation and trial experience is complemented by the depth of our branding and licensing experience, and our technical training and backgrounds in a wide variety of technologies and experience which extend to all aspects of the protection and litigation processes.

We handle cases and class actions alleging unfair competition and deceptive trade practices in the distribution and marketing of products sold in the U.S., as well as claims of trademark and copyright infringement in the advertising and marketing of consumer products, for clients in a wide variety of industries, including consumer products, online marketing and sales, and media and marketing research. We are experienced with issues of piracy, counterfeit goods and product hazards caused by knock-offs.

Marshall Gerstein is sought out by clients for counsel on advertising and marketing issues as well as liability issues and risks, including consumer product safety issues, product recalls and interactions with the Consumer Product Safety Commission. We advise with regard to all federal and state regulations and laws, including rules regulating marketing on the Internet and compliance with privacy laws at both the state and federal levels.

### **Representative Clients**

- The Dial Corporation
- E & J Gallo
- The Handy Kenlin Group
- Flex-O-Glass, Inc.
- Guinness World Records
- The Home Depot U.S.A. Inc.
- I.N. Shoes
- Penford Corporation
- The Procter & Gamble Company
- Russell Corporation
- Shop-Vac Corporation
- Tenneco Inc.
- Tyson Foods, Inc.

- USG Corporation
- Village Farms
- Zenith Electronics LLC

## Publications

August 13, 2015

**"En Banc Federal Circuit Extends Law on Divided Infringement"**

*Client Alert*

May 27, 2015

**"Supreme Court Holds that an Accused Infringer's Belief Regarding Patent Validity is Not a Defense to Induced Infringement"**

*Client Alert*

May 2011

**"Patents Foster Innovation"**

*Medical Design Magazine*

March 2015

**Encouraging Growth and Advancement of Women in Intellectual Property Professions**

*ManagingIP.com*

June 2, 2014

**"Supreme Court Clarifies Requirements for Proving Inducement of Infringement"**

*Client Alert*

August 30, 2011

**Tom Ross Interviewed By Crain's Chicago Business on IP Enforcement in China**

*Crain's Chicago Business*

August 3, 2011

**Financial Independence For The Patent Office**

*IPLaw360*

December 3, 2010

**The Growing Problem of Trademark Registration and Domain Name Scams**

*IPToday*

October 25, 2010

**"Covenants Not to Sue In Light of Federal Circuit Decisions"**

*Intellectual Property Litigation*

October 1, 2010

**"Therasense v. Becton, Dickinson: An Opportunity for the Federal Circuit to Mend Its Fractured Inequitable Conduct Rulings"**

*Co-author, Intellectual Property & Technology Law Journal*

May 2010

**"IP Pitfalls in Talking with Others - Part Two"**

*Biomass Magazine*

April 2010

**"IP Pitfalls in Talking with Others - Part One"**

*Biomass Magazine*