ABC Carpet & Home Wins $7M in Trademark Row

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Lathrop Gage LLP was recently featured in an article in Law360 about a ruling in favor of firm client ABC Carpet & Home and its licensee, Rug Renovating, Inc.

In *ABC Rug & Carpet Cleaning Service Inc. et al. v. ABC Rug Cleaners Inc. et al.* (case number 08-cv-05737), Judge Richard M. Berman of the U.S. District Court for the Southern District of New York adopted a magistrate judge's recommendation that defendant ABC Rug Cleaners Inc. had willfully infringed the famous ABC mark of ABC Carpet & Home and should be enjoined from use of the ABC mark and pay treble its gross profits during the period of infringement, as well as costs and attorney's fees, resulting in a $7 million award for the plaintiffs.

The plaintiffs filed suit in March 2009 alleging the defendant infringed its trademarked name and confused consumers into believing the two companies were somehow associated with each other. Judge Berman held a bench trial in September 2009 and issued a decision in February, 2010 that the defendants were liable for trademark infringement under the Lanham Act, finding that the defendants continued to use the name even after they had became aware of the plaintiffs' mark and that the defendants offered lower-quality service. He referred the case to Magistrate Judge Ronald L. Ellis to determine damages and Judge Berman adopted that recommendation in its entirety.

Lathrop Gage LLP attorneys including Tom Curtin represented the plaintiffs.

About Lathrop Gage:
A leading full-service law firm, Lathrop Gage LLP has 320 attorneys in 12 offices nationwide—from Los Angeles to New York. In 2010, *Chambers USA* ranked Lathrop Gage's corporate, environmental, intellectual property, labor and employment, litigation, real estate, and transportation teams among the best in their regions.