

Unfair Competition

RELATED SERVICES

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- Class Action Defense
- Commercial Litigation
- Consumer Financial Services
- Cyber, Privacy & Data Security
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- Healthcare
- Intellectual Property Litigation
- Labor
- Product Liability
- Trial Practice

CONTACTS

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OVERVIEW

The Unfair Competition lawyers at GRSM excel in addressing and resolving complex issues related to unfair and deceptive business practices, false advertising, trademark infringement, trade secret misappropriation, tortious interference, antitrust, and other anticompetitive behavior. Our focus is on representing clients in high-stakes business-to-business litigation and arbitration as well as defending companies and employees in Federal Trade Commission and State Attorneys General investigations and enforcement actions involving consumer protection and antitrust issues.

Our attorneys leverage their deep industry and regulatory knowledge and legal expertise to provide tailored solutions that meet our clients' unique needs. We deliver exceptional results, aim to uphold the principles of fair competition and ensure that our clients can operate in a competitive yet ethical business environment.

Our comprehensive services include:

- **Litigation and Dispute Resolution:** We represent clients in litigation and arbitration, working to secure favorable outcomes in cases of unfair competition and related business conflicts.
- **Trademark and Trade Secret Protection:** We secure and defend intellectual property rights, including trademarks and trade secrets, to prevent unauthorized use and maintain competitive advantage.
- **False Advertising and Deceptive Practices:** We prosecute and defend claims involving false advertising, consumer fraud, tortious interference and other deceptive trade practices.
- **Counseling and Strategic Planning:** We assist clients in developing proactive strategies to address potential competitive threats and mitigate risks associated with unfair competition.

REPRESENTATIVE EXPERIENCE

- Defended a nutritional supplement company in a competitor suit filed under the Lanham Act asserting claims of false advertising and trade dress infringement, as well as claims of tortious interference and common law unfair competition under New Jersey state law. Prosecuted Lanham Act counterclaim for false advertising.
- Defended non-conventional education companies in enforcement actions brought by the FTC and the Utah Division of Consumer Protection under the FTC Act, the Telemarketing Sales Rule, and Utah state consumer protection and telemarketing statutes.
- Represented affiliate marketing companies and their principals involved in marketing non-conventional online entrepreneur education and business coaching in an FTC investigation and subsequent resolution.
- Defended a nutritional supplement company in a putative consumer class action brought under New York's consumer protection statutes asserting claims of deceptive and misleading acts and practices in connection with the advertising for one of the company's products.
- Defended affiliate marketing network, its owner, and a nutritional supplement company in a competitor suit filed under the Lanham Act asserting claims for trademark infringement, false designation of origin, and trademark dilution. The case also included claims under the federal Anti-Cybersquatting Consumer Protection Act, the Racketeer Influenced and Corrupt Organizations Act, and claims under Texas state law for tortious interference, trademark dilution, and unfair competition. Obtained dismissal of the affiliate marketing network and its owner.
- Defended a nutritional supplement company in a suit filed by an ingredient manufacturer asserting claims of patent infringement, unfair competition and false advertising.
- Represented automotive part manufacturer in prosecuting a theft of trade secrets case involving

innovative braking design stolen by foreign national.

- Successfully represented publicly-traded telemedicine company in prosecuting unfair competition, trade libel, defamation, and related claims against short seller in classic “short and distort” scheme.
- Successfully represented major payment card company in obtaining published Fourth Circuit decision affirming favorable summary judgment rulings on antitrust and Lanham Act claims in litigation with independent sales organization.
- Represented one of the nation’s largest insurance companies in a purported nationwide class action involving allegations of a customer allocation conspiracy in violation of federal and various state antitrust statutes, as well as RICO.
- Represented a national healthcare group purchasing organization in antitrust actions challenging bundled discounts and contracting practices alleged to be unlawful exclusive dealing.
- Represented the world’s largest provider of motorsports entertainment in two multi-million dollar antitrust suits and aided in securing a favorable settlement in the first and dismissal on summary judgment in the second.
- Obtained a defense verdict in a case in which the plaintiff, a wholesale bakery company, sued another bakery company claiming the defendant was liable for state antitrust violations, theft of trade secrets and trade dress and unfair competition in which the plaintiff asked the jury for \$30,000,000 in damages.
- Obtained multi-million dollar settlement for one of the nation’s largest public university systems, as plaintiff, in claim against large computer software developer for breach of contract, fraud, and unfair competition.
- Successfully prosecuted infringement and cyber-squatting claims and recovery of MALIBU PIER trademark for California State Parks in Los Angeles federal court.