

## Trademark Oppositions and Cancellations

Rothwell Figg's Trademark Opposition and Cancellation practice team creates customized Trademark Trial and Appeal Board (TTAB) enforcement programs based on each client's business and risk management goals. Working together with client business teams, we help clarify portfolio objectives, establish predictable legal budgets, and seek to achieve trademark protection goals earlier in the dispute lifecycle. Our attorneys also handle one of the nation's busiest TTAB dockets. This unmatched level of hands-on experience makes us extraordinarily savvy, effective counsel.

Our TTAB case management process is specifically designed to improve efficiencies and reduce waste in litigation. Clients value predictability in trademark portfolio management and enforcement. By taking a business-focused approach, we deliver just that.

First, we listen carefully to each client's goals at the beginning of every engagement. Thanks to our extensive experience, we know what questions to ask, which issues to dig deeper into, and often can uncover potential challenges clients haven't foreseen. We then develop a litigation plan and strategy specifically structured around each client's unique situation. Our legal planning is derived from the client's business planning - not *vice versa*.

In addition to addressing the legal issues at hand, we also apply a rigorous business-minded cost/benefit approach that factors in expenses and timetables. While over 90% of trademark oppositions settle before trial, many are resolved late in the process, thus creating lack of predictability in budgeting and risk management. We strive to counter this trend.

We are, of course, litigators, and when the situation demands it, we know when, and how, to stand our ground without abandoning our business perspective. However, we also are skilled at getting to the substance of a dispute quickly, developing an assessment of anticipated outcomes, and gauging what strategies the other side will likely adopt. We are effective settlement negotiators because we usually know what the other side will do, and why, and are also very capable of trying a matter if we need to, a fact which is often a strong incentive for opposing counsel to settle.

Our predictive ability is based upon the fact that we have probably litigated against our opposing counsel before (due to the volume of work we do) and arrived at a realistic sense of how a case could be best conducted and resolved.

As an example of our effectiveness at management of trademark portfolios, one of our clients is an iconic publisher and red-hot, cutting-edge production studio that oversees a broad portfolio of trademarks. Maintaining the integrity of these marks requires diligent monitoring of the Trademark Office records, and when necessary, acting to protect the company's rights in its brands. In over a dozen U.S. Opposition matters, we achieved a favorable outcome with an average cost of under \$7,000 per action.

Rothwell Figg has attorneys with industry experience, advanced degrees, or both, in virtually every type of technology. As tech becomes more and more a part of business, this capability becomes increasingly valuable to our clients. From artificial intelligence to biotechnology to blockchain to biomed, we protect our technology clients' brands. This capability extends to emerging technologies, such as NFTs and artificial intelligence.

Federal Express, in the final analysis, doesn't sell package delivery. They really are selling peace of mind. So are we. We put our clients at ease. Clients know that when they entrust a matter to us, we will strive to achieve a positive result for them while also being mindful of their budget, timetable, and business goals.