

GPM ATTORNEYS SECURE DISMISSAL OF FEDERAL TRADEMARK INFRINGEMENT SUIT

John Thomas, David Dodge and Matthew Furse have secured the dismissal of a federal trademark infringement suit filed in New York against their client, Mid America Mortgage Inc, a major Texas-based mortgage lender and former official NASCAR sponsor. The suit alleged that by offering consumers an end-to-end online mortgage application tool known as 'Click n' Close', Mid America had infringed an alleged earlier use by an alleged competitor in the residential mortgage market. Assisted by Mid America's corporate counsel and counsel from Wade Clark Mulcahy LLP in New York, our attorneys moved to dismiss for lack of personal jurisdiction and failure to state a claim.

The case highlights the serious problems faced by corporations when they find themselves sued in a distant jurisdiction despite having only tangential and sporadic business contacts there, e.g., an interactive website, or by the display of a disputed mark in the other jurisdiction (in this case during a NASCAR race that took place in New York).

If GPM's multi-jurisdictional attorneys can help you or your clients with similar issues, please do not hesitate to contact us.