



Pattishall Client Prevails On Counterfeiting and Infringement Claims Over Marks for Vehicle Braking Systems; Court Awards Over \$13 Million in Damages, Attorneys' Fees, Costs and Sanctions

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Pattishall client Robert Bosch LLC (“Bosch”) was awarded judgment of over \$13 Million by default on its claims of counterfeiting, infringement, unfair competition, and false advertising after nearly three years of litigation and “extensive and cumbersome discovery” in *Robert Bosch LLC v. A.B.S. Power Brake, Inc.*, Case No. 09-14468 (E.D. Mich. August 2, 2012). Pattishall attorneys Belinda Scrimenti, Bradley Cohn, Thad Chaloeontiarana, and Jeffrey Wakolbinger represented Bosch in this litigation in the United States District Court for the Eastern District of Michigan before the Honorable Patrick J. Duggan.

Specifically, Judge Duggan:

- awarded Bosch \$12,875,997.96; consisting of \$3,931,220 in defendant’s profits (which the court trebled to \$11,793,660), \$993,309.00 in reasonable attorneys’ fees, and \$89,028.96 in costs;
- awarded Bosch \$142,082.52 as a judgment for previously entered sanctions;
- enjoined defendants from future use of Bosch’s HYDRO-BOOST and HYDRO-MAX marks in connection with hydraulic vehicle braking systems or remanufactured, reconditioned or rebuilt Bosch products; and
- ordered the defendants to destroy all infringing products and promotional materials.

The Court’s opinion highlighted the difficulty of assessing actual damages given the actions of the defendants in discovery and found the Pattishall team’s method for estimating damages to be reasonable. Relying on survey evidence of law firms nationwide, Judge Duggan also found Pattishall’s Chicago-based attorneys’ fees request reasonable and consistent with rates of



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comparably-situated firms in Detroit with large intellectual property practices under the traditional lodestar analysis.

The defendants' alleged violations covered a range of activities, including manufacturing of counterfeit products sold under Bosch's trademarks, use of identical and similar infringing marks on generic products, sale of refurbished Bosch products that failed to meet genuine Bosch specifications, and false advertising of refurbished hydraulic brake products as new, genuine Bosch products.