



## Pattishall Client Wins Summary Judgment Defending Against Trademark Infringement Claim

November 20, 2009

November 9, 2009. Pattishall client Church & Dwight Co., Inc., maker of the famous ARM & HAMMER brand products, was awarded summary judgment in defending against claims of trademark infringement and fraud on the Patent and Trademark Office. Pattishall attorneys [Raymond Geraldson, Jr.](#), [Bradley Cohn](#), [Andrew Downer](#), and [Scott Lonardo](#) represented Church & Dwight in the case, which was litigated in the U.S. District Court for the Northern District of Illinois.

The plaintiff, World Wide Sales, Inc., alleged that Church & Dwight's use of the trademark FRIDGE FRESH for a refrigerator air filter infringed Plaintiff's trademark "Forever Fresh For The Fridge" for its refrigerator deodorizer. World Wide also alleged that Church & Dwight committed fraud on the Patent and Trademark Office because Church & Dwight did not disclose World Wide's federal registration to the U.S. Patent and Trademark Office when Church & Dwight applied for and ultimately registered its FRIDGE FRESH trademark.

The Honorable Matthew F. Kennelly granted Church & Dwight's motion for summary judgment, finding that the difference in the parties' packaging, coupled with the commercial and conceptual weakness of World Wide's trademark, meant that "no reasonable fact finder could conclude that there was a likelihood of confusion as to the source of the parties' products." Judge Kennelly also granted Church & Dwight's motion for summary judgment on World Wide's claim for fraud on the Patent and Trademark Office.

The case is *World Wide Sales, Inc. v. Church & Dwight Co., Inc.*, Case No. 08-cv-1198 (N.D. Ill. 2009).

Visit [www.pattishall.com](http://www.pattishall.com).



PATTISHALL  
McAULIFFE  
NEWBURY  
HILLIARD &

GERALDSON LLP • 311 South Wacker Drive, Suite 5000 • Chicago IL 60606 • T (312) 554-8000 • F (312) 554-8015 • [www.pattishall.com](http://www.pattishall.com)

These materials have been prepared by Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP for general informational purposes only. They are not legal advice. They are not intended to create, and their receipt by you does not create, an attorney-client relationship.