

Partners Rose Auslander and Jack Griem Quoted by Law360 on Supreme Court's B&B Hardware v. Hargis Industries Ruling

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Intellectual property partners Rose Auslander and John M. Griem, Jr. were quoted in *Law360*'s March 25, 2015 article "Attorneys React To Supreme Court's TTAB Preclusion Ruling." In *B&B Hardware, Inc. v. Hargis Indus., Inc.*, the Court ruled that a district court may give preclusive effect to a prior determination on likelihood of confusion by the U.S. Patent & Trademark Office's Trademark Trial and Appeal Board ("TTAB").

Auslander and Griem, drawing on their different areas of intellectual property experience, provided a joint comment: "The court's decision in *Hargis* upends another long-established rule in intellectual property law — that district courts should always take a fresh look at the evidence relevant to significant IP disputes. In the short term, *Hargis* will put increased pressure on parties to stay or skip TTAB proceedings in favor of more expensive federal court actions. Parties will be forced to litigate TTAB proceedings as thoroughly as possible, and to exhaust all appeal options. *Hargis* will also have an spillover effect in the patent arena, giving much greater weight and preclusive effect to issues resolved by the [Patent Trial and Appeal Board] and the [International Trade Commission]."

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