

### Sheppard Mullin's Intellectual Property Group Prevails At The U.S. Supreme Court

01.21.2015

#### Press Contact

Ralph Richardson

[rrichardson@sheppardmullin.com](mailto:rrichardson@sheppardmullin.com)

On January 21, 2015, the United States Supreme Court unanimously ruled in favor of our client Hana Bank in the matter entitled *Hana Financial v. Hana Bank*. 574 U.S. \_\_\_ (2015). Justice Sonia Sotomayor wrote the opinion for a unanimous Court, affirming the Ninth Circuit's ruling that the doctrine of trademark tacking presents a question of fact appropriate for jury determination. 735 F.3d 1158 (9th Cir. 2013). The Supreme Court resolved a Circuit split on the issue, which arose when the Federal Circuit and Sixth Circuit treated trademark tacking as a question of law. This was the first substantive trademark decision by the U.S. Supreme Court in nearly a decade, and the first time the Court considered tacking principles in nearly a century, long before the issue was coined "tacking." Our litigation team previously prevailed at trial in the matter (before Judge Percy Anderson of the Central District of California), with a unanimous jury verdict for Hana Bank and a full defense judgment on the bases of trademark priority, laches, and unclean hands. Carlo Van den Bosch argued the matter before the Supreme Court on December 3, 2014 with assistance from Bob Rose, Michelle Wisniewski, and Gazal Pour-Moezzi. Our appellate specialists Karin Vogel and Robert Stumpf helped with the briefs and moot court preparations. Hana Bank is one of the largest financial institutions in Korea, and our relationship with the Bank results from our strong Korea practice and the good work of Seth Kim and Ken Carl.

#### Attorneys

Kenneth J. Carl

Gazal Pour-Moezzi

Robert D. Rose

Robert J. Stumpf, Jr.

Carlo F. Van den Bosch

Karin Dougan Vogel

Michelle LaVoie Wisniewski

## Practice Areas

Intellectual Property

Korea

Trademark Applications and Prosecution

Trademarks and Trade Dress