



JENNIFER J. THEIS ASSOCIATE

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EDUCATION

J.D.,
University of Michigan Law School, 2006
B.S., summa cum laude, Biochemistry
University of Notre Dame, 2003

BAR ADMISSIONS

Illinois
U.S. Patent & Trademark Office
U.S. Dist. Court, N.D. Illinois
U.S. Court of Appeals, 7th Circuit
Not Admitted in Michigan

Jennifer's diverse intellectual property law practice focuses on all aspects of trademark law, patent law, copyright law and unfair competition law. Her litigation experience includes civil litigation in federal district court as well as cancellation and opposition proceedings before the Trademark Trial and Appeal Board.

Jennifer's practice also focuses on trademark and patent prosecution, both domestic and foreign. Her international trademark practice includes international trademark prosecution, determination of international filing strategies, and international trademark litigation. She also has experience preparing and prosecuting patent applications in the chemical and mechanical arts. In connection with her foreign practice in both trademark and patent prosecution, Jennifer works closely with foreign associates around the world.

Jennifer's unique background and experience make her a strong asset in cases presenting both trademark and patent issues. She was a key part of a litigation team that defeated a trademark challenge on the basis that the trademark was functional, as demonstrated by strong utility patent evidence, and thus not entitled to trademark protection.

Jennifer's deep knowledge of a client's business and extensive experience with trademark laws and procedures worldwide were instrumental in coordinating the filing of new trademark applications worldwide by foreign associates on the same day as the client's new brand was launched. This coordinated effort avoided the risk of potential infringers that is often associated with high profile brand launches.

Jennifer implements a fair, firm, and well-reasoned approach to obtain results for clients. In a recent instance, she was able to swiftly negotiate a rebrand of an infringer's mark to protect the client's brand in light of her strong and effective arguments.

EXPERIENCE | LEGAL EXPERIENCE

- **Brinks Gilson & Lione**, Ann Arbor, Michigan
Associate, September 2006-Present
Summer Associate, 2005
- **Dierker & Associates**, Troy, Michigan
Summer Law Clerk, 2004

EXPERIENCE | NON-LEGAL EXPERIENCE

- **Pfizer Summer Research Fellowship Program**
Synthetic Organic Chemistry, 2002

PRACTICE GROUPS

Copyright
International Trademark
Licensing
Litigation
Patent Prosecution
Trademarks & Unfair Competition
Design Protection

FORWARD THINKING

Alerts

- Allen v. Cooper: Supreme Court Holds States Immune from Copyright Suit, April 02, 2020
- Ninth Circuit Confirms GOOGLE Is Not Generic, May 24, 2017
- In re Brunetti: Toppling the Bar on Bad Words, December 21, 2017
- Trademark Enforcement Implications of Europe's New General Data Protection Regulation (GDPR), June 05, 2018
- Iancu v. Brunetti: Supreme Court Grants Cert to "Scandalous Marks" Case, January 10, 2019
- Iancu v. Brunetti: Supreme Court Strikes Down "Scandalous Marks" Ban, July 08, 2019

TECHNICAL BACKGROUND

- Biopharma

REPRESENTATIVE MATTERS

- ***Ecore International, Inc. v. Paul Downey, CSR Industries, Inc., and Pliteq, Inc.*, 11-cv-06843-RBS (Judge Surrick) (E.D. Pa.)** Representing Downey, CSR, and Pliteq in defending claims and asserting affirmative claims relating to development and sale of recycled rubber flooring products.
- ***Ecore International, Inc. v. Paul Downey and Pliteq, Inc.*, 12-cv-02729-JLS (Judge Schmehl) (E.D. Pa.)** Representing Defendants in reverse passing off and false advertising dispute relating to sale of recycled rubber flooring products.
- ***Grupo Bimbo S.A. B. de C.V. v. Snak-King Corp.*, 13-cv-02147 (Judge Birotte) (C.D. Cal.)** - Representing Plaintiffs in trademark, trade dress, and patent dispute relating to Defendants' use of rolled tortillas covered by Plaintiffs' trade dress registration. Case has settled.
- ***Alticor Inc. v. Nutrisystem, Inc. and Nutri/System IPHC, Inc.*, 12-cv-256-RHB (Judge Bell) (W.D. Mich.)**. Defended Alticor against a claim that the expansion of its global brand NUTRILITE into the weight management field would infringe and dilute Nutrisystem's alleged prior rights in the NUTRISYSTEM mark for weight-loss goods and services. Case has settled.
- ***Georgia-Pacific Consumer Products LP v. Kimberly-Clark Corporation, Kimberly-Clark Global Sales, Inc. and Kimberly-Clark Worldwide, Inc.*, 09-CV-2263 (Judge Kendall) (N.D. Ill.)**. Represented Kimberly-Clark in an action brought by Georgia-Pacific alleging trademark infringement and dilution based on Kimberly-Clark's use of embossed designs appearing on the surface of its bathroom tissue. Kimberly-Clark moved for summary judgment against Georgia-Pacific on the basis that Georgia-Pacific's asserted designs are claimed in several utility patents and are functional in that they improve the performance of toilet paper in several respects. The Court of Appeals affirmed the District Court's grant of summary judgment and concluded as a matter of law that the asserted designs are functional and therefore not entitled to trademark protection.

- ***Trilink Saw Chain, LLC, et al. v. Blount, Inc., et al., 1:07-CV-0409-CAP (Judge Pannell) (N.D. Ga.)***
Represented Defendant in false advertising claim relating to saw chains for chain saws. Case has settled.
- ***Tyco Healthcare Group LP and Tyco Healthcare Retail Group, Inc. v. Kimberly-Clark Corp., Kimberly-Clark Worldwide, Inc. and Kimberly-Clark Global Sales, Inc., 1:06-cv-11809-JLT (Judge Tauro) (D. Mass.)***
Represented Kimberly-Clark in an action filed by Tyco Healthcare alleging infringement of the trademark FLEXI-WINGS. The court denied Tyco Healthcare's motion for a preliminary injunction on the basis that the term "Wings" is generic and that Kimberly-Clark's use of "COMFORT FLEX Wings" was protected under the fair use doctrine and also did not give rise to any likelihood of confusion. The case subsequently settled.
- **Trademark Trial and Appeal Board (TTAB) Cases**
- ***Alticor Inc. v. Siemens Aktiengesellschaft***, Opposition No. 85-962,940 (TTAB 2013)
- ***Alticor Inc. v. G&H Nutrition LLC***, Opposition No. 91194688 (TTAB 2010)
- ***Fuel Freedom International, LLC v. Alticor Inc.***, Cancellation No. 92047543 (TTAB 2007)