

William H. Brewster

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Services

Advertising Counseling & Disputes
Anti-Counterfeiting & Gray Markets
Intellectual Property
Trademark Litigation
Trademark, Copyright &
Advertising

Industries

Apparel, Accessories & Luxury
Goods
Automotive
Consumer Goods
Food, Restaurant & Beverage
Media & Entertainment

Bill Brewster, specializing in trademark and false advertising litigation, has appeared in courtrooms across the country. In addition to jury and bench trials, hundreds of hearings, and dozens of appeals, he has participated in arbitrations in trademark and advertising cases, as well as proceedings before the TTAB and the NAD and NARB. He currently is Chair of the Firm's 100+-lawyer Trademark & Copyright Team.

Bill is widely recognized as one of the top trademark and advertising litigators in the country. He was lead trial counsel in *adidas v. Payless*, obtaining the largest jury verdict (\$305 million) and the largest judgment ever entered in a trademark case.

According to *World Trademark Review*, which ranks him in the top tier for US Enforcement and Litigation, "the 'sensational' Bill Brewster consistently ranks among the nation's premier litigators." *WTR* also noted that "the superlative [Brewster] cuts a dash in the courtroom and has 'impeccable customer service skills.'" In the current edition, *WTR* notes that "the firm has some of the most eloquent and persuasive litigators in the game The top name on the fight card is [Brewster], who is regularly called on to tackle big-ticket competitor cases."

Legal 500 lists the Firm as one of four Tier 1 trademark litigation practices, noting client comments regarding the team's "excellent legal and industry knowledge, very short response times, and valuable advice." *Legal 500* also lists Bill as one of seven "Hall of Fame" lawyers in US Trademark Litigation, referring to him as the "IP litigation authority" with "extensive appellate and trial experience," and quoting clients as saying he is "a great lawyer, easy to work with and responsive" and "perfectly representing ... legal skills and strategic advice, availability and capabilities to understand the underlying business realities confronted by their clients."

Chambers lists Bill in their top tier, and the firm as one of the top three trademark and copyright practices in the



US, referring to the team's "renowned copyright and trademark offering." According to *Chambers*, Bill "is renowned for his expertise in contentious trademark matters" and, quoting a client, he "is a seasoned practitioner; fun to work with and a great advocate for his clients."

Bill has been in *The Best Lawyers in America*® for almost thirty years, and currently is listed in IP Litigation, Trademark Law, Advertising Law, Sports Law, and Commercial Litigation. Other recognition includes:

- *Benchmark*: Litigation: "National Practice Area Star" – IP; "Litigation Star" – Georgia
- *Managing Intellectual Property*: "IP Star"
- *Managing IP North America*: "Georgia IP Litigator of the Year"
- *Lawdragon*: Top 500 lawyers in the US
- Georgia "Legal Elite"/"Super Lawyer": IP and IP Litigation
- Martindale-Hubbell: AV® rated*

For six years (starting in 2001), Bill served as the Firm's Managing Partner. In that role, he was responsible for strategic planning and client service. He remains the youngest managing partner ever at an *AmLaw 200* firm. During his tenure, the Firm opened in New York and expanded strategic practice areas, and *IP Worldwide* featured him among "*The Magnificent Seven: IP's Best Young Trial Lawyers*."

Bill has successfully opposed preliminary injunction motions designed to prevent a new company name (including defending Hulu and TruLiant) or product launch, including Georgia-Pacific's Brawny paper towel (by Procter & Gamble, owner of Bounty), Ford's Blue Cruise hands-free feature (by General Motors and its Cruise subsidiary), and Fox's FXX network (by Exxon).

Other competitor cases also are a significant part of Bill's trademark practice, including representing Energizer (against Duracell), Flowers Bakeries (in cases against IBC and Bimbo), and Johnson Controls (Exide), and defending Delta (in a case by American Airlines), and Polaroid (Fuji). On the advertising front, recent competitor cases include Zoetis (versus Merial) Coty (Revlon), Georgia-Pacific (Procter & Gamble), and Energizer (against various parties, including Duracell).

In addition to complex trademark and trade dress cases, Bill also has been involved in extensive genericness litigation, including representing Gaylord Entertainment (Grand Ole Opry) in a case cited by McCarthy as one of three involving reclaiming a trademark, and *In re Country Music Association*, where we were hired by another firm, developed a substantially better record, and prevailed at the TTAB over extensive objections.

Bill serves on the Firm's Pro Bono Committee and received the inaugural Community Service Award from the Georgia State Bar IP Section, recognizing his pro bono work and time as Chair of the Board of Special Olympics Georgia. He currently is Chair of the Board for The Giving Kitchen, which assists food service workers in crisis.

Bill currently teaches trademark law as an adjunct professor at the University of Georgia School of Law. He previously taught trademark law at Emory's law school for over a decade, and ethics as an adjunct at the University of Virginia School of Law. He currently serves on INTA's amicus committee.

Experience

Served as lead counsel for Georgia-Pacific Consumer Products LP in the defense of our client against a trademark infringement suit. The plaintiff voluntarily dismissed the claim after the court denied its motion for preliminary injunction. *Procter & Gamble Co. v. Georgia-Pacific Consumer Prods. LP*, No. 1:09-cv-00318 (S.D.



Ohio Aug. 3, 2009).

Represented Georgia-Pacific in false advertising litigation against major competitor. Successfully settled prior to preliminary injunction hearing. *Georgia-Pacific Consumer Products LP v. The Procter & Gamble Company*, Case No. 1:09-CV-0729 (N.D. GA 2009).

The firm served as lead counsel on behalf of the world's premier and most diversified sports, entertainment, and media company, and co-defendant for infringement of a South Carolina tennis teaching professional's U.S. patent relating to a hybrid tennis court. The patent covers a tennis court having one type of surface (such as grass) on one side of the net and a different surface (such as clay) on the opposite side. The plaintiff sued the client because it promoted a match between the top two tennis players in the world on a half grass-half clay tennis court called Battle of the Surfaces. The problem with the plaintiff's case was the match took place in Spain, which required the tennis court to be in Spain as well. Since she possessed only a U.S. patent, the plaintiff attempted to create new law by alleging that televising the match in the U.S. and the use of images of the court on web sites promoting the match in the U.S. should constitute infringing "use" of the tennis court. Judge Joseph Anderson of the U.S. District Court for the District of South Carolina, Rock Hill Division, disagreed and granted motions in favor of our client to dismiss the complaint. The U.S. Court of Appeals for the Federal Circuit affirmed Judge Anderson's decision.

Represents Flowers Foods Inc., a leading producer of baked goods, and its subsidiaries in various trademark, unfair competition, false advertising, and copyright matters, including litigation before federal district courts and the Trademark Trial and Appeal Board, as well as trademark clearance and registration projects.

The firm served as lead trial counsel for Hulu LLC, a news corporation, and NBC Universal collaborative venture in the suit related to the launch of Hulu.com. The firm successfully defeated an attempt by a Web publishing firm, Lulu Enterprises, to obtain a preliminary injunction that would have delayed the website launch of the much-anticipated Hulu.com, a website portal that offers downloadable premium video content consisting of hit television shows such as *The Office*, *Heroes*, *24*, *The Simpsons*, *Prison Break* and *House*.

Successfully represented Georgia-Pacific in the expedited arbitration of a case involving false advertising claims in its competitor's nationwide television, radio, and print campaign for paper towels. Obtained injunction and award of attorneys' fees. *Georgia-Pacific Corp. v. The Procter & Gamble Co.*, No. 03-2957 (N.D. Ga. filed Aug. 30, 2003).

Represented adidas America Inc. and adidas-Salomon AG in trademark infringement litigation against Payless Shoesource involving the defendant's infringing use of the well-known and distinctive adidas Three-Stripe Mark. Following a 14-day trial and two days of deliberation, the jury found unanimously in adidas' favor on all seven claims, including trademark infringement, trade-dress infringement, unfair competition and unlawful and



deceptive trade practices. The jury awarded \$305 million in monetary relief, including \$137 million in punitive damages. This verdict was the largest in history for a trademark infringement case. Following entry of final judgment in excess of \$60 million, the parties later settled for an undisclosed amount. *adidas America Inc. v. Payless Shoesource Inc.*, No. CV01-1655 (D. Or. Nov. 11, 2008).

Education

University of Virginia School of Law J.D. (1987)

Emory University B.A. (1984) Political Science & Economics

Emory University M.A. (1984) Political Science

Admissions

Georgia

New York

Court Admissions

Georgia Court of Appeals

Supreme Court of Georgia

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of New York

U.S. Supreme Court

Professional & Community Activities

American Bar Association, Intellectual Property, Litigation, and Sports & Entertainment Sections, Member



American Intellectual Property Law Association (AIPLA), Member

Emory University School of Law, Adjunct Professor of Trademark Law (2001-present)

International Collegiate Licensing Association (ICLA), Member

International Trademark Association (INTA), Member and Past Chair of National Moot Court Competition

State Bar of Georgia, Intellectual Property, Litigation, and Sports & Entertainment Sections, Member

University of Virginia School of Law, Associate Member of the Deans Council, Former Adjunct Professor

Insights

[News Releases](#)

Kilpatrick Townsend Once Again Earns Gold-Level Rankings from World Trademark Review

February 9, 2023

[News Releases](#)

135 Kilpatrick Townsend Attorneys Recognized in 2022 Super Lawyers

December 15, 2022

[News Releases](#)

Kilpatrick Townsend Attorneys Garner 36 Rankings on the 2022 International Who's Who of Business Lawyers

October 24, 2022

[News Releases](#)

Kilpatrick Townsend Earns Top Recognitions in 2023 Edition of The Best Lawyers in America®

August 18, 2022

[News Releases](#)

Kilpatrick Townsend's Intellectual Property Receives Extensive National and International Acclaim

August 5, 2022