

Judith A. Powell

Partner

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Services

Intellectual Property
Trademark Litigation
Trademark, Copyright &
Advertising

Industries

Apparel, Accessories & Luxury
Goods



Judy Powell has extensive experience in trademark infringement, unfair competition, and false advertising litigation in federal courts, as well as in opposition and cancellation proceedings before the Trademark Trial and Appeal Board. She has also litigated multiple issues involving website content and domain names, having secured hundreds of domain names for trademark owners. She also advises clients on trademark licensing matters and copyright issues.

Ms. Powell has served on the Internet Committee of the International Trademark Association for the past four years and has been the firm's liaison to the Intellectual Property Committee of The Association of Corporate Counsel for the past eight years. She has been a frequent lecturer on trial strategy and Internet and trademark issues for the Institute of Continuing Legal Education and a teacher for the National Institute of Trial Advocacy program. Ms. Powell has also spoken at conferences and events for the Association of Corporate Counsel, the International Trademark Association, and the ABA Forum on Franchising.

Ms. Powell has been named in *The Best Lawyers in America*® for Intellectual Property Litigation and Trademark Law for the past 14 years, as well as being recognized by the *World Trademark Review 1000*, and the *Legal 500 US*. She was recognized as a 2017 "Atlanta Lawyer of the Year" in the area of Trademark Law by *The Best Lawyers in America*®. In 2011, Ms. Powell was honored with the "Excellence in IP Award" by the Intellectual Property Committee of The Association of Corporate Counsel. She is AV® rated by Martindale-Hubbell.*

Experience

Represented Harley-Davidson Motor Company in winning a reversal in the United States Court of Appeals, Seventh Circuit. The Court held that Harley-Davidson's lawsuit against use of HOGS ON THE HIGH SEAS was not barred by previous rulings finding HOG generic for large motorcycles, and remanded the case for trial. The case was later settled favorably for our client. *H-D Michigan, Inc. v. Top Quality Service, Inc.*, No. 04-C-0533, 2006 WL 2547083 (E.D. Wis. Aug. 31, 2006), *rev'd*, 496 F.3d 755 (7th Cir. 2007).



Provide trademark and copyright advice and registration for hundreds of non-profit organizations located in the communities in which we work.

Represented 1-800-Flowers in defense of a false advertising class action, resulting in a nationwide settlement favorable to 1-800-Flowers, with no payment to the class.

Thomas Molnar v. 1-800-Flowers.com, Inc., et al., Superior Court for the State of California, for the County of Los Angeles, Case No. BC382828.

Successfully represented TPI Holdings regarding protection of its AUTOTRADER mark against Defendants' online use of a similar mark.

TPI Holdings, Inc. v. Josh Bond, USDC, Middle District of Tennessee, Nashville Division, Civil Action No. 3:06-0104 (referred to arbitration).

Represented Chrysler Group in obtaining preliminary and permanent injunctive relief against Defendants' use of the JEEPSTER mark and Jeep Grille Design in connection with an electric off-road vehicle and coordinated trademark infringement action with ITC proceeding, with the result that the Chinese manufacturer ceased shipments of the infringing designs into the United States. *Chrysler Group LLC v. USA Wholesale Scooters, Inc., et al.*, USDC, Southern District of Florida, Civil Action No. 10-cv-60774-WPD (Order August 9, 2010).

Represented Georgia-Pacific LLC in a trademark infringement suit brought against it by one of its major competitors in the building materials industry. The competitor sought to enjoin its use of the HOME ADVANTAGE mark for the same type of goods as the competitor sold under the ADVANTECH mark. Following expedited discovery and an extended evidentiary hearing, we defeated the plaintiffs' motion for preliminary injunction that would have halted sales to our client's most significant customer and severely harmed that relationship. Defeat of the motion caused the plaintiff to dismiss the case in its entirety. *J.M. Huber Corp. v. Georgia-Pacific Corp.*, No. 3:03CV567 (W.D. N.C. filed Nov. 26, 2003).

Represented DaimlerChrysler Corporation when the owner of the RUBICON mark for cargo trailers sought to enjoin our client from using RUBICON for automotive vehicles. Following extensive expedited discovery and a multi-day evidentiary hearing, we defeated the plaintiffs' motion for a preliminary injunction, enabling DaimlerChrysler to proceed with the production and launch of its JEEP WRANGLER RUBICON vehicle.

Education

Vanderbilt University J.D. (1978)

Emory University B.A. (1975)

Admissions



Georgia (1985)

Tennessee (1978)

Court Admissions

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the District of Colorado

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Eastern District of Wisconsin

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

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

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

U.S. Supreme Court

Professional & Community Activities

International Trademark Association (INTA), Internet Committee, Member

Association of Corporate Counsel (ACC), Intellectual Property Committee Firm Liaison

Vanderbilt Law Review, Former Associate Editor

Insights

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

August 18, 2022

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Kilpatrick Townsend Receives Top Rankings in 2022 Legal 500 US

June 14, 2022

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Kilpatrick Townsend Earns Gold-Level Ranking from World Trademark Review

March 8, 2022



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Kilpatrick Townsend Attorneys Honored in the 2022 Edition of The Best Lawyers in America

August 19, 2021

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Kilpatrick Townsend Receives Top Rankings in 2021 Legal 500 US

June 14, 2021