

# Trademark Infringement CASE STUDY

**Case:** Maui Pineapple v. Del Monte

**Clients:** Krieg, Keller, Sloan, Reilly and Roman

**Year:** 2002-03

**Venue:** U.S. District Court – Northern District of CA, San Francisco

Our client, Maui Pineapple, sold its products for many years under the trademark “Hawaiian Gold.” A much larger company, Del Monte, began selling similar products under the same name, and then later under a near-identical name, thus eroding the already modest market share of our client.

## Challenges

To reveal the defendant’s willful intent to infringe and cause product confusion in the marketplace Think Twice would need to precisely establish the legal definitions, processes and parameters of trademark ownership and infringement for the jury. This would provide the foundation to show the actual effect on our client, establishing causation for damages.

## Solutions

Our demonstratives tracked an intentional market strategy executed by the defendant to engage in “reverse confusion” and to “crush the competition”. To convey this story to the jury, we focused on several key objectives:

1. Educate the jury about “reverse confusion,” its governing legal determinants and the defendant’s intent to confuse;
2. Establish the known history of trademark use by our client;
3. Counter the defendant’s argument that the infringed trademark was “generic”; and
4. Clearly show the causal link between the defendant’s strategy and the changing revenue/market share of both defendant and plaintiff.

## Outcome

Supported by compelling demonstratives, our client won a very favorable settlement.

### Services Provided

- Strategic planning
- Creative development
- Graphic design
- Technical illustrations
- Tutorials
- Demonstrative exhibits
- Deposition and impeachment exhibits
- Video synchronization
- 2D & 3D animations
- Document scanning and coding
- Still graphics, slides and boards
- Focus group support
- Courtroom planning and equipment
- Presentation software
- Trial technicians and artists

