

IP Shell Games: Supreme Court to Review Liability of Corporate Affiliates for Trademark Infringement

November 6, 2024 – *The TMCA*

by Brok Humbert

In a potential shakeup for corporate liability, the Supreme Court will hear oral argument this year on whether a real estate developer's corporate affiliates should be responsible for a \$46.6 million trademark infringement judgment—despite not being defendants in the case.

Plaintiff Dewberry Engineers Inc. and defendant Dewberry Group, Inc. and first clashed in 2006 over the parties' use of the DEWBERRY mark in connection with real estate development services. That dispute settled and defendant agreed to restrict use of its mark, including to not use DEWBERRY in the state of Virginia. However, defendant later purchased a hotel in Charlottesville, Virginia, and created a number of sub-brands (operated by its corporate affiliates) incorporating DEWBERRY. As part of its advertising efforts, defendant also distributed marketing materials bearing the mark to its affiliates. Objecting to this renewed use of the mark, the plaintiff brought suit in 2020 in the Eastern District of Virginia.

Related People

- Brok Humbert

Related Capabilities

- Trademark, Copyright + Advertising
- Intellectual Property Litigation



