

Jenner & Block Team Secures Trademark Dilution Verdict for Whiskey Brand

News

May 31, 2024

This week, the US Court of Appeals for the Second Circuit upheld a Jenner & Block's team 2022 jury trial win that protected beverage maker Diageo's trademarked design of its distinctive Bulleit bourbon and rye whiskey bottles.

The team was led by the Co-Chairs of the firm's Trademark Practice Gianni Servodidio and Susan Kohlmann. Their work on this case earned them a shout out in *The American Lawyer's* Litigator of the Week.

Client Diageo North America sued the defendant in 2017 for infringing on and diluting its packaging design trademark and trade dress for Bulleit. The jury in that trial found that the Bulleit trade dress was famous and that the defendant's bottle design was likely to dilute the distinctiveness of Bulleit's own design. In a follow-up win, US District Judge Louis Stanton later issued a permanent injunction against the defendants based on the verdict barring the sale of its whiskey in the packaging at issue.

On appeal, the Second Circuit affirmed the dilution verdict in full, noting the other side's remaining arguments were "without merit," reaffirming the brand's iconic trade dress was nationally famous and that the defendant's packaging was substantially similar to Bulleit. The Second Circuit also dismissed defendant's attempt challenge the district court's rulings on the permanent injunction.

The trial verdict and ensuing appellate ruling are resounding victories for the client and its ability to take its trademarked product to market.

Gianni and Susan led the trial and appellate teams, which included Partner Jake Alderdice and Associates Jackie Carrero and Allison Douglass.

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Related Capabilities

Trademark, Advertising, and Unfair Competition

Related Locations

New York

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