

## R. Charles Henn Jr.

### Partner

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### Services

Trade Secrets

Trademark, Copyright &

Advertising

Advertising Counseling & Disputes

Anti-Counterfeiting & Gray Markets

Trademark Litigation

Intellectual Property

### Industries

Consumer Goods

Media & Entertainment

Home Furnishings

Apparel, Accessories & Luxury

Goods

Automotive

Food, Restaurant & Beverage

Charlie Henn concentrates his practice in the area of intellectual property litigation, regularly representing companies and universities in cases involving trademark and trade dress infringement claims. An experienced trial lawyer, he was co-lead trial counsel in the *adidas v. Payless* case, which resulted in the largest verdict ever in a trademark case (\$305 million).

Charlie has received numerous national and local honors recognizing his professional accomplishments, including being named by *LawyersUSA* as one of six “Lawyers of the Year” nationally in 2008. In 2010, he was the sole US winner of the International Law Office (ILO) Client Choice Award for Intellectual Property, which recognizes the top provider of client service on intellectual property matters.

He is annually listed as a leading intellectual property litigator by *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*<sup>®</sup>, *Legal 500*, *World Trademark Review 1000*, *Super Lawyers*, *Managing Intellectual Property*, and *Georgia Trend*. Recognizing his industry focus on protecting sports brands, *Chambers USA* also has listed Charlie as one of the nation’s top sports lawyers. Before he turned 40, Charlie was featured as a “Rising Star” by *Law360* as one of five national intellectual property lawyers under 40 to watch; by *Georgia Trend* as one of the state’s “40 Under 40 Best and Brightest”; by the *Atlanta Business Chronicle* as one of the

city's "40 Under 40"; and by the *Daily Report* as one of the "Ten Lawyers Under 40 'On the Rise'" in Atlanta.

## Experience

Represented Major League Baseball Properties and the Chicago Cubs Baseball Club, LLC in a widely publicized lawsuit in federal court in Illinois claiming the defendants, vendors, were producing and planning to sell merchandise that infringed and counterfeited the trademarks of MLB and the Cubs. The Court granted both a temporary restraining order, authorizing the seizure and impoundment of the knock-off products, and a preliminary injunction prohibiting such sales. *Major League Baseball Properties, Inc. & Chicago Cubs Baseball Club, LLC v. Stevens et al.*, No. 1:16-cv-09140 (N.D. Ill. 2016).

Lead trial and appellate counsel for four major universities and The Collegiate Licensing Company (CLC) in a trade dress infringement case. The firm secured a ruling rejecting the theory that school colors were aesthetically functional and that the defendant's use was "fair." After prevailing on summary judgment on the issue of liability for trademark infringement and unfair competition, we conducted a jury trial on monetary relief. The plaintiffs recovered damages in the form of a reasonable royalty and an accounting of defendants' profits. The defendants later appealed, and the Fifth Circuit unanimously affirmed. *Louisiana State University v. Smack Apparel Co.*, 438 F. Supp. 2d 653 (E.D. La. 2006), *aff'd*, 550 F.3d 465 (5th Cir. 2008).

Co-lead trial counsel for 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).

Lead trial counsel for the University of Kansas against JoeCollege.com, a retailer selling various apparel using colors and other indicia of the University. Obtained award of attorneys' fees. *University of Kansas v. Larry Sinks, et al.*, 2008 U.S. Dist. LEXIS 23765 (D. Kan. 2008).

Trial counsel for Jan Voda, M.D., a cardiologist, in a patent infringement suit related to angioplasty catheters against Cordis, a division of Johnson & Johnson, in the Western District of Oklahoma. After a two-week trial, a jury found Dr. Voda's patents to be valid and Cordis willfully infringed. In August 2006, the court awarded Dr. Voda damages at a 7.5 percent royalty rate, double compensatory damages and attorneys' fees. *Voda v. Cordis Corp.*, 536 F.3d 1311 (Fed. Cir. 2008).



Represented fourteen universities in trademark counterfeiting and infringement litigation against a company that sold counterfeit cheerleading uniforms and other unlicensed items bearing university trademarks. The court granted a temporary restraining order and authorized immediate seizure of the counterfeit merchandise, manufacturing supplies, financial records, and computer hardware from the defendants. The case subsequently settled on favorable terms, including entry of a permanent injunction and final judgment in favor of the universities. *The University of Georgia Athletic Association, Inc. et al. v. Signature Diversified, Inc. et al.*, No. 4:12-CV-107 (N.D. Ga. filed May 8, 2012).

### **Education**

University of North Carolina School of Law J.D. (1998) *cum laude*

Emory University B.A. (1995) Political Science and French Literature, *summa cum laude*

### **Admissions**

Georgia (1998)

New York (2016)

### **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 Fifth 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 District of Colorado

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 Southern District of New York

U.S. Supreme Court

### **Professional & Community Activities**



Leadership Georgia, Class of 2013

Leadership Atlanta, Class of 2011

Marshall Memorial Fellow, Class of 2009

Coverdell Leadership Institute, Class of 2008

International Trademark Association

National Association of College and University Attorneys (NACUA)

Georgia Bar, Entertainment & Sports Law Section (Vice Chair, 2007-2012)

The Federalist Society (President of the Atlanta Lawyers Chapter, 2001-2006)

Boys & Girls Clubs of Metro Atlanta, Executive Board Member (2014-Present)

Theatrical Outfit, Board of Trustees (2008-2015 & 2017- Present)

Flying Carpet Theater, Board Member (2003-Present)

All Saints Episcopal Church, Vestry Member (2018-Present)

Emory University, Board of Visitors (2013-2016)

ArtsATL.com, Board Member (2009-2017)

## Insights

### News Releases

Kilpatrick Townsend Earns Top Ranking from 2021 World Trademark Review

February 17, 2021

### News Releases

Kilpatrick Townsend Attorneys Achieve 41 Individual Rankings on the 2019–2020 *International Who's Who of Business Lawyers*

November 12, 2020

### News Releases

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021

August 20, 2020

### Publications

Likelihood of Confusion Surveys: The Ever-Constant Eveready Format; The Ever-Evolving Squirt Format

June 28, 2019