

## Charles H. Hooker III

### Partner

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### Services

Intellectual Property  
Trademark Litigation  
Copyright Litigation & Counseling  
Online & Digital Enforcement  
Trademark, Copyright &  
Advertising  
Anti-Counterfeiting & Gray Markets



Charles Hooker focuses his practice on intellectual property litigation, including cases involving trademarks, trade dress, unfair competition, copyrights, licensing agreements, and related breach of contract disputes. Representative clients in litigated matters include adidas AG and adidas America, Inc., Reebok International Ltd., FCA US LLC, FN Herstal S.A., American Eagle Outfitters, Inc., AT&T, The Collegiate Licensing Company, YellowPages.com LLC, and Georgia Pacific Consumer Products LP. Since 2011, Mr. Hooker consistently has been named a Georgia Super Lawyer or Rising Star for Intellectual Property Litigation by *Super Lawyers* magazine, and has been recognized as a top attorney by peers in *Georgia Trend* magazine's Legal Elite. He is listed in the 2021 and the three immediately preceding editions of *World Trademark Review 1000 – The World's Leading Trademark Professionals*. Mr. Hooker received the Kerry Harike Joedecke Atlanta Young Lawyer of the Year Award in 2010.

Mr. Hooker has been a guest lecturer in trademark and copyright courses at Emory University School of Law and the University of Georgia School of Law, and he frequently speaks at conferences and on panels in these areas. He also devotes a substantial amount of time to pro bono litigation matters, including work with the Southern Center for Human Rights and the Anti-Defamation League. And he is actively involved in the community and the Atlanta Bar. He has served on the Board of Directors for WonderRoot, the Atlanta Council of Younger Lawyers, the Intown Academy, Out of Hand Theater, and the Candler Park Conservancy. Mr. Hooker is also a former member of the Atlanta Bar Association's "Reputation and Public Trust" Committee.



Prior to joining Kilpatrick Townsend, Mr. Hooker served as a law clerk to Judge Rhesa Hawkins Barksdale on the United States Court of Appeals for the Fifth Circuit. During law school, Mr. Hooker was the Editor-in-Chief of the Emory International Law Review and Executive Director of Student Legal Services.

Before law school, Mr. Hooker worked for Habitat for Humanity through an Americorps grant, earned a master's degree in Religion from the University of Chicago, and conducted research at the Peter Drucker School of Management in Claremont, California, on issues of leadership and optimal performance in the areas of business, science, journalism, and sports.

Mr. Hooker was recommended by *Legal 500 US* in 2018 and 2019 for Trademark Litigation.

## **Experience**

Represented FN Herstal, S.A., a Belgian firearms and weapons manufacturer in a trademark infringement case against Clyde Armory involving our client's rights to the trademark SCAR for assault rifles and accessories. Following a bench trial, the court issued a lengthy order holding that FN Herstal has superior rights in its SCAR mark and that there was "ample evidence of bad faith" on Clyde Armory's part in adopting and using its infringing SCAR-Stock mark for assault rifle stocks. The court issued a permanent injunction against Clyde Armory, ordering it to, among other things, cease all use of SCAR or SCAR-Stock and to deliver up for destruction its infringing products and any materials displaying SCAR or SCAR-Stock. Following Mr. Hooker's oral argument before the Eleventh Circuit, that Court affirmed. The U.S. Supreme Court denied Clyde Armory's petition for a writ of certiorari, and both the District Court and Eleventh Circuit awarded attorneys' fees in our client's favor. *FN Herstal, S.A. v. Clyde Armory, Inc.*, 838 F.3d 1071 (11th Cir. 2016).

Represented adidas America, Inc. and adidas AG against Skechers in a trade dress and trademark infringement law suit, successfully obtaining a preliminary injunction against Skechers barring its further sale of, *inter alia*, footwear that infringed adidas's famous Stan Smith trade dress.

Represented adidas America, Inc., adidas AG, Reebok International Limited, and Reebok International Ltd. in trademark infringement litigation spanning multiple years against numerous New York-based defendants using the mark RBX and related designs.

Represented FCA US LLC and its Jeep brand in successfully defeating trademark infringement claims asserted by Moab Industries LLC. Following a bench trial, the Court rendered judgment against all claims brought by Moab Industries.

Represented Eat Just, Inc., a San Francisco-based start-up company, in litigation against Just Goods, Inc. Following Mr. Hooker's oral argument at summary judgment, but before the Court rendered a summary judgment



decision, the parties reached a settlement agreement.

Represented various AT&T entities in negotiating a favorable settlement before trial in litigation involving purported breaches of a previous settlement agreement and allegations of trademark infringement.

Represented four major universities and The Collegiate Licensing Company (CLC) in a trade dress infringement case. In an attempt to avoid the provisions of a prior settlement agreement, the defendant, a clothing provider, sold t-shirts and other merchandise bearing university colors that did not include any of the colleges' registered marks. 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 two-day 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).

Represented youth fashion retailer American Eagle Outfitters (AEO) in a trademark infringement and unfair competition matter. We filed suit in 2010 on behalf of AEO against a number of defendants who opened retail stores under the name AMERICAN EAGLE FURNITURE. The defendants asserted that there was no likelihood of confusion due to the obvious differences in the parties' goods, customers and price points. Not only had AEO previously sold a variety of home furnishings, but we were also able to collect more than 100 instances of actual confusion. In December 2013, the court ruled in our favor on virtually every likelihood-of-confusion factor and every issue. It found that the defendants had infringed AEO's mark; it cancelled defendants' registration; and it rejected their defenses. The court further offered a number of findings that will prove helpful to AEO beyond this case—such as there is “evidence amply supporting the strength and fame of AE Outfitters' mark.” *Am. Eagle Outfitters, Inc. v. Am. Eagle Furniture, Inc.*, 11 C 02242, 2013 WL6839815 (N.D. Ill. Dec. 27, 2013).

Served as lead counsel for Georgia-Pacific Consumer Products LP in the defense of our client against a trademark infringement suit. The plaintiff voluntarily dismissed the claim after the court denied its motion for preliminary injunction. *Procter & Gamble Co. v. Georgia-Pacific Consumer Prods. LP*, No. 1:09-cv-00318 (S.D. Ohio Aug. 3, 2009).

Represented 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).

Represents a leading footwear and apparel manufacturer in trademark litigation and enforcement work.

### **Education**

Emory University School of Law J.D. (2006)

*cum laude*

University of Chicago M.A. (2000) Religion

Rhodes College B.A. (1996) Psychology

### **Admissions**

Georgia (2006)

### **Court Admissions**

Georgia Court of Appeals (2007)

Georgia Lower Courts (2006)

Georgia Superior Court (2006)

Georgia Supreme Court (2007)

U.S. Court of Appeals for the Eleventh Circuit (2007)

U.S. Court of Appeals for the Fifth Circuit (2007)

U.S. Court of Appeals for the Ninth Circuit (2013)

U.S. Court of Appeals for the Tenth Circuit (2010)

U.S. District Court for the Northern District of Georgia (2007)

### **Clerkships**

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### **Professional & Community Activities**

WonderRoot, Board of Directors, Former Member

Out of Hand Theater, Board of Directors, Former Member

Candler Park Conservancy, Board of Directors, Former Member

Former Chair of the Atlanta Council of Young Lawyers, Associates Campaign for Legal Services, Former Board Member of Public Trust Committee



Georgia State Bar, Former Member of Committee on Indigent Defense and Intellectual Property Trademark Subcommittee

## Insights

### [News Releases](#)

Kilpatrick Townsend Earns Top Ranking from 2021 World Trademark Review  
February 17, 2021

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers  
March 6, 2020

### [In The News](#)

Kilpatrick Townsend's Trademark Team Earns Top Ranking From World Trademark Review  
February 20, 2020

### [News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2019 Legal 500 US  
July 10, 2019

### [News Releases](#)

Kilpatrick Townsend at the 2019 INTA Annual Meeting  
May 14, 2019

### [News Releases](#)

Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers  
February 28, 2019

### [News Releases](#)

Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition  
February 5, 2019

### [News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2018 Legal 500 US  
June 11, 2018



### [Perspectives](#)

4 Key Takeaways: Multijurisdictional Litigation Strategy for Brand Owners

April 4, 2018

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers

February 28, 2018

### [News Releases](#)

Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition in the 2018 World Trademark Review 1000

January 25, 2018

### [Alerts](#)

Key Takeaways from 2016 ACC Annual Meeting

October 27, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report February 17-25, 2016

February 26, 2016

### [In The News](#)

Kilpatrick Townsend's Media Report June 26 - July 9, 2015

July 10, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report April 17-23, 2015

April 24, 2015

### [News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015

### [In The News](#)

Kilpatrick Townsend's Media Report February 6-12, 2015

February 13, 2015



### [In The News](#)

Kilpatrick Townsend's Media Report January 23-29, 2015

January 30, 2015

### [News Releases](#)

Kilpatrick Townsend Elects New Partners in Atlanta

January 13, 2015