



Judith A. Powell

Partner

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Services

Intellectual Property
Trademark Litigation
Trademark, Copyright &
Advertising

Industries

Apparel, Accessories & Luxury
Goods

Judy Powell has extensive experience in trademark infringement, unfair competition, and false advertising litigation in federal courts, as well as in opposition and cancellation proceedings before the Trademark Trial and Appeal Board. She has also litigated multiple issues involving website content and domain names, having secured hundreds of domain names for trademark owners. She also advises clients on trademark licensing matters and copyright issues.

Ms. Powell has served on the Internet Committee of the International Trademark Association for the past four years and has been the firm's liaison to the Intellectual Property Committee of The Association of Corporate Counsel for the past eight years. She has been a frequent lecturer on trial strategy and Internet and trademark issues for the Institute of Continuing Legal Education and a teacher for the National Institute of Trial Advocacy program. Ms. Powell has also spoken at conferences and events for the Association of Corporate Counsel, the International Trademark Association, and the ABA Forum on Franchising.

Ms. Powell has been named in *The Best Lawyers in America*[®] for Intellectual Property Litigation and Trademark Law for the past 11 years, as well as being recognized by the *World Trademark Review 1000*, and the *Legal 500 US*. She was recognized as a 2017 "Atlanta Lawyer of the Year" in the area of Trademark Law by *The Best Lawyers in America*[®]. In 2011, Ms. Powell was honored with the "Excellence in IP Award" by the Intellectual Property Committee of The Association of Corporate Counsel. She is AV[®] rated by Martindale-Hubbell.*

* CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience

Represented Harley-Davidson Motor Company in winning a reversal in the United States Court of Appeals,



Seventh Circuit. The Court held that Harley-Davidson's lawsuit against use of HOGS ON THE HIGH SEAS was not barred by previous rulings finding HOG generic for large motorcycles, and remanded the case for trial. The case was later settled favorably for our client. *H-D Michigan, Inc. v. Top Quality Service, Inc.*, No. 04-C-0533, 2006 WL 2547083 (E.D. Wis. Aug. 31, 2006), *rev'd*, 496 F.3d 755 (7th Cir. 2007).

Provide trademark and copyright advice and registration for hundreds of non-profit organizations located in the communities in which we work.

Represented 1-800-Flowers in defense of a false advertising class action, resulting in a nationwide settlement favorable to 1-800-Flowers, with no payment to the class.

Thomas Molnar v. 1-800-Flowers.com, Inc., et al., Superior Court for the State of California, for the County of Los Angeles, Case No. BC382828.

Successfully represented TPI Holdings regarding protection of its AUTOTRADER mark against Defendants' online use of a similar mark.

TPI Holdings, Inc. v. Josh Bond, USDC, Middle District of Tennessee, Nashville Division, Civil Action No. 3:06-0104 (referred to arbitration).

Represented Chrysler Group in obtaining preliminary and permanent injunctive relief against Defendants' use of the JEEPSTER mark and Jeep Grille Design in connection with an electric off-road vehicle and coordinated trademark infringement action with ITC proceeding, with the result that the Chinese manufacturer ceased shipments of the infringing designs into the United States. *Chrysler Group LLC v. USA Wholesale Scooters, Inc., et al.*, USDC, Southern District of Florida, Civil Action No. 10-cv-60774-WPD (Order August 9, 2010).

Represented Georgia-Pacific LLC in a trademark infringement suit brought against it by one of its major competitors in the building materials industry. The competitor sought to enjoin its use of the HOME ADVANTAGE mark for the same type of goods as the competitor sold under the ADVANTECH mark. Following expedited discovery and an extended evidentiary hearing, we defeated the plaintiffs' motion for preliminary injunction that would have halted sales to our clients' most significant customer and severely harmed that relationship. Defeat of the motion caused the plaintiff to dismiss the case in its entirety. *J.M. Huber Corp. v. Georgia-Pacific Corp.*, No. 3:03CV567 (W.D. N.C. filed Nov. 26, 2003).

Represented DaimlerChrysler Corporation when the owner of the RUBICON mark for cargo trailers sought to enjoin our client from using RUBICON for automotive vehicles. Following extensive expedited discovery and a multi-day evidentiary hearing, we defeated the plaintiffs' motion for a preliminary injunction, enabling



DaimlerChrysler to proceed with the production and launch of its JEEP WRANGLER RUBICON vehicle.

Education

Vanderbilt University, J.D. (1978)

Emory University, B.A. (1975)

Admissions

Georgia (1985)

Tennessee (1978)

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the District of Colorado

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Middle District of Tennessee

U.S. District Court for the Northern District of Georgia

Professional & Community Activities

International Trademark Association (INTA), Internet Committee, Member

Association of Corporate Counsel (ACC), Intellectual Property Committee Firm Liaison

Vanderbilt Law Review, Former Associate Editor

Insights

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

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

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019
August 20, 2018

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

[News Releases](#)

Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition in the 2018 World Trademark Review 1000
January 25, 2018

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Kilpatrick Townsend Recognized by Prestigious 2017 Legal 500 US
October 2, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition in the 2017 World Trademark Review 1000
February 9, 2017

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Best Lawyers in America Names Kilpatrick Townsend Attorneys 2017 Lawyers of the Year
August 24, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017
August 16, 2016



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Kilpatrick Townsend Recognized by Prestigious 2016 Legal 500 US

June 20, 2016

[News Releases](#)

Kilpatrick Townsend Receives Top Recognition in 2016 World Trademark Review 1000

January 21, 2016

[In The News](#)

Kilpatrick Townsend's Media Report November 6-19, 2015

November 20, 2015

[News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

[News Releases](#)

Kilpatrick Townsend Recognized by Prestigious 2015 Legal 500 US

July 15, 2015

[In The News](#)

Kilpatrick Townsend's Media Report February 27-March 5, 2015

March 6, 2015

[News Releases](#)

Kilpatrick Townsend Once Again Receives Top Recognition in 2015 World Trademark Review 1000

February 5, 2015