

Floyd A. Mandell

Partner and Co-Chair, Trademark/Copyright/Privacy Group

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Practices

FOCUS: Intellectual Property Litigation
Advertising, Marketing and Promotions
Appeals and Critical Motions
Electronic Discovery and Information Governance
Health Care
Intellectual Property
International
Litigation
Trademark Licensing and Strategy
Trademarks and Trademark Litigation

Industries

Entertainment and Media
Entertainment and Media Litigation
Family Offices
Fashion
Hospitality
Sports and Sports Facilities
Technology

Education

JD, University of Illinois College of Law
BA, Northern Illinois University

Bar Admissions

Illinois

Community Involvements

American Bar Association, Intellectual Property and Litigation Sections
Chicago-Kent College of Law, Adjunct Professor: Trademark and Unfair Competition Law
Intellectual Property Law Association of

Floyd Mandell is the founder of the firm's Intellectual Property department. He has represented some of the world's most recognizable companies in intellectual property litigation. Few other lawyers have handled as many high-profile cases over the past 20 years involving copyrights, trademarks, trade secrets, trade dress, false advertising and defamation. He has been lead counsel in more than 40 published decisions, many involving novel or cutting-edge issues. On more than one occasion, Floyd has litigated cases with more than \$1 billion at stake for his clients.

Widely respected for bet-the-company IP litigation

Floyd has served as lead trial counsel for globally recognized brands in technology (Microsoft Corporation, Yahoo!, Intel, Panasonic, Sanyo, Stripe), food and beverage (PepsiCo/Gatorade, Boar's Head, Cracker Barrel, Planet Hollywood), retail and fashion (Forever 21, Arcadia Group Limited and its Topshop brand, Tommy Hilfiger, ASICS, Fruit of the Loom), media (Cumulus Media; Westwood One; Times Mirror, Inc.), entertainment (Universal Studios; Universal Music Group; Home Box Office, Inc.; E! Entertainment Television, LLC; Scripps Network), pharma and health care (Bausch & Lomb) and beyond.

Floyd's client relationships frequently span many years, and leading companies turn to him again and again for his business-focused guidance. They trust him with their most significant legal problems. Usually, these are disputes that threaten a famous brand, like the trademark action against PepsiCo over Gatorade's use of a slogan referring to it as "The Sports Fuel Company." Floyd earned a summary judgment victory for PepsiCo, which had been found liable for millions of dollars in a previous similar case. Similarly, Floyd secured a summary judgment victory for Microsoft, affirmed on appeal, involving a claimed infringement arising out of its X-Box product.

Floyd is consistently ranked among the top intellectual property litigators in the United States by Chambers USA, Legal 500, *Law360*, the *National Law*

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Chicago

International Trademark Association,
Mediation Panel Co-Chair, Mediation Panel
Member for the Federal Court in Chicago

Panel of Neutrals for the US District Court for
the Northern District of Illinois

Panel of Trademark Mediators, Selection
Committee

Journal, and other outlets. Recognized as a skilled mediator and arbitrator, he is a member of the Panel of Neutrals for the Alternative Dispute Resolution Program sponsored by the International Trademark Association. He is on the list of mediators/arbitrators recommended by the US District Court for the Northern District of Illinois for Lanham Act cases.

"Floyd's vast knowledge and commercial awareness gives us complete confidence from the very beginning that our case will be resolved in our favor." "Floyd is strategic and creative in crafting winning arguments. He has incredible business judgment, which he incorporates into his legal advice."

- *Chambers USA 2023*
(Illinois, Intellectual
Property: Trademark,
Copyright & Trade Secrets)
survey response

Representative Experience

- *Adidas America, Inc., et al. v. Forever 21, Inc.*, 3:17-cv-00377 (C.D. Oregon, pending).
- *The Breakfast Klub, Inc. v. 1600 Breakfast Club, LLC d/b/a The Breakfast Club, and JOHN DOES 1-10*, (CD Cal 2022).
- *Visier, Inc. v Google LLC* (ND Cal 2022).
- *F21 OpCo LLC vs. AirWair International Ltd.*, (CD Cal 2021).
- *CircuitLife, LLC v. Percussionaire Corp. et al.* (SD Tex 2021).
- *InFlight Dublin, Inc. v. Astronics Corporation, et al.* (ND Ill 2020).
- *James MacDonald v. Matthew Erich "Mancow" Muller, Cumulus Media, Inc. d/b/a WLS Radio, and JOHN DOES* (Circuit Court Ill), 2019.
- *SportFuel Inc. v. PepsiCo Inc., et al.*, No. 18-3010 (7th Cir. Aug. 2, 2019).
- *Toni Basil v. Disney, Kohl's, Forever 21*, 126 U.S.P.Q.2d 1046 (C.D. Cal. 2018).
- *Microsoft Corporation v. Community Health Systems, Inc.*, 3:18-cv-00291 (D. Tenn. 2018).
- *ABS Entertainment, Inc. v. Cumulus Media Inc., et al.*, 1:15-cv-06806 (S.D.N.Y. 2018).
- *Dermfx, Inc. v. Obagi Medical Products, Inc.*, 2017 WL 2684548 (C.D. Cal. 2017).
- *Peter Ludlow v. Sun-Times Media LLC, et al.*, 14 L 1529 (Ill. App. Ct. 1st Dist. 2015).
- *E.G. Ground Management v. YCharts and Morningstar*, CV15-00055 (C.D. Cal. 2015), motion to dismiss granted.
- *Berkley Networks Corporation v. Inmarket Media, LLC, et al.*, 2014 WL 8332290 (S.D.N.Y. 2015).
- *Stuart J. Kaufman, M.D. & Associates, P.A. v. Bausch & Lomb Inc.*, WL 6154166 (M.D. Fla. 2013).