

Firm News

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Neal Gerber Eisenberg Secures Victory for Duracell in Trademark Infringement Case

On October 27, 2017, Neal Gerber Eisenberg prevailed on behalf of Duracell in a trademark infringement case brought by Energizer. The NGE team included Lee J. Eulgen, Kevin C. May, Gregory J. Leighton, Sarah E. Smith, Andrew S. Fraker, Collette A. Brown and Felicia West-Brown.

Energizer alleged that Duracell was in breach of contract after discovering stores in the U.S. were selling batteries with the Duracell pink bunny on packages. Duracell is allowed to use its bunny in certain other countries, and claimed the U.S. stores were selling “diverted, gray market or counterfeit” batteries. After the suit was filed, Duracell asked the retailers to pull the products and many of them complied. The judge sided with Duracell and ruled that Duracell cannot control the U.S. stores that sell its batteries with bunnies on the packaging.

[Click here to read more about the case.](#)

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