

## JSH ATTORNEY MATT BALTIERRA RECOVERS 6-FIGURE ATTORNEYS' FEES AWARD IN TRADEMARK DISPUTE

September 6, 2020 | Case Summaries, News

*ABC Water, LLC v. APlus Water, LLC*  
U.S. District Court, District of Arizona

JSH Attorney: **Matt Baltierra**

**Summary of Case:** Jones, Skelton & Hochuli attorney Matthew Baltierra teamed up with a major Chicago-based law firm to defend a trademark dispute, and ultimately obtained a complete dismissal of the case and a six-figure award of attorneys' fees.

This case arose out of 2018 civil action alleging trademark and copyright infringement. Both Plaintiff and Defendant companies' market and distribute water-softener products through Amazon.com. Plaintiff, ABC Water, sued Defendant, APlus Water, for alleged violations of federal trademark laws related to their advertising on Amazon. Plaintiff claimed that Defendant was promoting and advertising water softeners containing the "ABCwaters" mark in Defendants' Amazon.com product listings. Plaintiff's demands included a permanent injunction, payment of profits and interest, punitive damages, and attorneys' fees and costs.

Serving as local counsel of record, Matt worked with a Chicago-based law firm to defend the claims. Defense argued that Plaintiff's evidence was insufficient to bring suit, proximate cause, and improper assertion of copyright and trademark rights. In addition, Defense argued that because Plaintiff had not been a seller on Amazon.com since summer 2019, Plaintiff was not entitled to injunctive relief.

The court agreed with the Defense and the case was dismissed with prejudice July 2020. In September 2020, Defense filed a motion for attorneys' fees and costs under The Lanham Act. The court again agreed and our client was awarded attorneys' fees in the six figures as the prevailing party.

**Matthew Baltierra** represents clients against claims involving civil and tort litigation, including construction defect, premises liability, product liability, wrongful death and personal injury, commercial and contract disputes, as well as professional liability including agent, and director and officer liability.