

ELLIS GEORGE CIPOLLONE

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Keith J. Wesley

Partner

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Education

- The George Washington University Law School, J.D., high honors
- Ohio Wesleyan University, B.A., *magna cum laude*

Bar Admissions

- California

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California

Keith J. Wesley is a business trial lawyer and litigator. His practice encompasses all facets of business litigation, and he has particular knowledge in the areas of trademark, trade dress, copyright, trade secrets, false advertising, unfair competition, employment/partnership disputes, insurance coverage, and class actions.

Mr. Wesley graduated with high honors from the George Washington University Law School and was the Senior Projects Editor for the *George Washington Law Review*. He graduated *magna cum laude* from Ohio Wesleyan University.

Prior to joining the firm, Mr. Wesley served as an extern for the Honorable Patricia Hemann, United States District Court, Northern District of Ohio, a law clerk for the Honorable Ferdinand F. Fernandez, United States Court of Appeals for the Ninth Circuit and an associate at Latham & Watkins LLP in Los Angeles.

Representations

Trial

- Trademark infringement case against print-on-demand website. Verdict of willful infringement and \$500,000 in statutory damages for client.
- False advertising case between two pharmaceutical companies. After summary judgment entered against client on liability, jury awarded less than .001% of monetary damages sought against client.
- Trademark infringement case between two medical device manufacturers. Verdict of \$60 million for client. Following remand for new trial, verdict of \$30 million in second trial.
- Trade dress infringement case between two apparel companies. Verdict of \$10.8 million for client.
- Trade dress and copyright infringement case between two apparel companies. Verdict of \$8.0 million for client.
- Copyright infringement case against watch distributor. Verdict of \$1 million for client.
- First website trade dress infringement case to proceed through trial and to a verdict. Verdict for client on the website trade dress claim and for client in defense of counter-claims of intentional interference with contractual relations and prospective economic advantage.

Pre-Trial

- Denial of motion for preliminary injunction and grant of motion to dismiss in unfair competition lawsuit filed by a pharmaceutical company against client, the largest 503B compounder in the US.

- Dismissal of \$50 million trade secret and false advertising lawsuit filed by competitor against client, an online real estate marketing service for real estate professionals and mortgage brokers.
- Summary judgment in favor of medical device manufacturer sued for trademark infringement. Trademark held to be invalid and registration cancelled.
- Denial of motion for preliminary injunction and dismissal of claims brought by national home security provider against client, a local home security company based in Bel-Air.
- Denial of motion to compel arbitration filed against client, a former executive of a leading provider of LED screens and video equipment for concerts and live entertainment events. Favorable settlement of claims against client following the denial.
- Grant of preliminary injunction barring infringement of copyrights of client in apparel industry.
- Successful pre-litigation resolution of claims made by former investors or officers of a variety of startups in the tech and video game industries.

Post-Trial

- Multiple fee awards in excess of \$1 million to clients who succeeded on trademark and/or copyright claims.
- Fee award under California Post-Mortem Right of Publicity Statute to client following successful defense of claim that it had violated the right of publicity of the deceased actress Bette Davis.
- Complete denial of defendant's motion for attorney's fees against client, which retained the firm specifically to oppose fee motion after unsuccessful result at trial.
- Obtained extensive permanent injunctive relief on behalf of multiple clients.

Appeal

- Successful appellate results include *Burdusis v. Superior Court*, 133 Cal. App. 4th 88 (2005), *Frye v. Tenderloin Housing Corp.*, 38 Cal. 4th 23 (2006), *Leegin Creative Leather Products, Inc. v. Bucklesource, Inc.*, 2010 WL 4056847 (2010), *CMG Brands LLC v. Stop Staring! Designs*, 2012 WL 3569709 (2012), *Sophia & Chloe, Inc. v. Brighton Collectibles, LLC*, 2018 WL 316022 (9th Cir. 2018), *Advantek Marketing, Inc. v. Shanghai Walk-Long Tools Co., Ltd.*, 898 F.3d 1210 (Fed. Cir. 2018), *Ironhawk Technologies, Inc. v. Dropbox, Inc.*, 994 F.3d 1107 (9th Cir. 2021), and *Nexus Pharmaceuticals, Inc. v. Central Admixture Pharmacy Services, Inc.*, 48 F.4th 1040 (9th Cir. 2022).

News

- October 14, 2022: "[Here's What Makes An IP Case Attractive To Litigation Funders](#)," *Law360*
- September 13, 2022: "[9th Circ. Says FDA Has Dibs On Copycat Suits](#)," *Law360*
- July 29, 2022: "[Funders and sympathy: how counsel win David v Goliath battles](#)," *ManagingIP*
- June 24, 2021: "[Redbubble Hit With \\$520K Verdict For Contributory TM Theft](#)," *Law360*
- April 20, 2021: "[9th Circ. Revives Dropbox 'Smart Sync' Trademark Fight](#)," *Law360*
- March 29, 2021: "[Browne George Files Class Action to Halt Leading Online Counterfeit Merchandiser](#)," *Lawdragon*
- September 27, 2020: "[Lawyer Limelight: Keith Wesley](#)," *Lawdragon*
- April 3, 2020: "[Browne George Ross names new leader amid growth spurt](#)," *Daily Journal*
- May 16, 2019: "[Allergan Wins Just \\$48.5K At Trial Over Imprimis False Ads](#)," *Law360*
- January 24, 2018: "[Atari Settles Kit Kat Spat with Nestle](#)," *Courthouse News Service*

Authorship

- October 14, 2022: "[Central District Local Rule 37-1 – laudable in intent; problematic in practice](#)," *Daily Journal*

Practice Areas

- Commercial Litigation
- Trademarks
- Copyrights
- False Advertising
- Unfair Competition
- Trade Secrets
- Insurance Coverage
- Class Actions
- Trials
- Appeals

Recognitions

- Selected to the *Lawdragon* "[500 Leading Litigators in America](#)" list (2022)

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- Recognized in the "[Top 100 Lawyers 2022](#)," list in the special publication of the *Los Angeles Business Journal*
- Selected to the Southern California Super Lawyers and Rising Stars lists, *Super Lawyers Magazine*