

Fee Shifting Applied in Trademark Dispute

Published in *Managing Intellectual Property*

May 2017

This article discusses the recent application to a trademark dispute in *Dropbox, Inc. v. Thru, Inc.* of the Supreme Court's adopted test for determining whether reasonable attorneys' fees should be awarded to the prevailing party. As a result of doing so, the US District Court for the Northern District of California found the defendant's conduct—both prior to and during the litigation—to be in bad faith, rendering the case "exceptional" and justifying the grant to the plaintiff, Dropbox, of an award of attorneys' fees and costs in excess of \$2 million. The authors discuss the case in further depth, reminding parties of the risks associated with attempting to cultivate opportunistic or unreasonable litigation strategies.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Karen Artz Ash

+1.212.940.8554

karen.ash@katten.com



Bret J. Danow

+1.212.940.6365

bret.danow@katten.com

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).