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ARTICLE

Fee Shifting Applied in Trademark Dispute

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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.

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