

The Use of Early Mediation Strategies in Lanham Act Disputes

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Floyd A. Mandell, national co-head of Katten's Intellectual Property practice and co-head of the Trademarks practice, and Julia L. Kasper, a Chicago-based attorney in the firm's Intellectual Property practice, authored this article on the rising costs of trademark litigation and when, why and how to go about resolving such disputes via mediation. As Floyd and Julia note, "Even if early mediation fails, it enables the parties to better understand their respective positions, and often the start of a dialogue is a basis on which to successfully settle a case later. The benefits of an early mediation go beyond simply saving money. An early resolution removes the uncertainty that is inherent in all litigation. Moreover, it allows the parties to avoid the time, distraction, and potential negative publicity of litigation and to refocus such time and energy on the company business."

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