Katten Representation of Bausch & Lomb in Trademark Infringement Suit Noted in Law360

April 9, 2013

In an Answer, Affirmative Defenses and Counterclaim filed last week for Katten client Bausch & Lomb, a trademark infringement suit in the Middle District of Florida was described as a “meritless attempt ... to obtain exclusive rights to a popular and descriptive phrase” as reported by Law360. The eye health care giant has been sued by a Florida ophthalmologist and his eye clinics over use of the slogan “See Better. Live Better.” which the plaintiff claims is its trademark and is covered by a Federal Trademark registration. Bausch & Lomb uses the slogan to describe the mission statement of its internationally recognized company and claims that its use is not as a trademark, but is a fair descriptive use authorized under Federal Law. In its Counterclaim, Bausch & Lomb seeks cancellation of plaintiff's registration, explaining, “No one party should have exclusive rights to this popular phrase.” Intellectual Property attorneys Floyd Mandell, Carolyn Passen and Julia L. Kasper are representing Bausch & Lomb in this case. (”Bausch & Lomb Fires Back at Eye Doctor's Trademark Claims,” April 5, 2013)

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