



## → Lisa M. Martens

### Of Counsel

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Lisa Martens is of counsel in the Intellectual Property Practice Group in the firm's San Diego (Del Mar) office.

### Areas of Practice

Lisa's practice focuses on the protection and enforcement of brands for clients ranging from startups and emerging companies to Fortune 500 corporations. She has particular expertise in the food and beverage, healthcare, life sciences, e-commerce, semiconductor, sporting goods and retail clothing industries.

Lisa counsels clients on a variety of trademark issues, including the development of U.S. and foreign trademark portfolios, global brand strategy and licensing. She has also successfully handled numerous domain name disputes in the U.S. and worldwide. In addition, Lisa provides advice on advertising substantiation and rights of publicity and has successfully litigated false advertising and right of publicity cases in federal court.

Lisa has substantial experience bringing and defending enforcement and litigation matters before the Trademark Trial and Appeal Board (TTAB), the National Advertising Division (NAD) of the Council of Better Business Bureaus and in state and federal district courts related to trademarks, copyrights, unfair competition, anti-counterfeiting and false advertising.

### Honors

Lawyer of the Year - Trademark, *Best Lawyers*, 2022-2023

Women of Influence in Law, *San Diego Business Journal*, 2021-2022

*World Trademark Review 1000* – California, Enforcement and Litigation (2011-2023)

Named one of the "Top Attorneys in San Diego," *Los Angeles Magazine* (2016)

*Managing Intellectual Property* "IP Star" (2013-2022) and Top 250 Women in IP (2013, 2016)

Named a "Metro Mover" by *SD Metro* magazine (2015)

Named one of the "Top Women in Southern California," *Los Angeles Magazine* and *Super Lawyers* (2014)

*San Diego Super Lawyers* Intellectual Property Litigation, Intellectual Property (2007-2023)

*Best Lawyers in America*, Litigation Intellectual Property and Trademark Law (2013-2023)

Named one of San Diego's "Top Attorneys" *San Diego Daily Transcript* (July 2009, July 2012 and July 2013)

Named "Young Influential" by *The Daily Transcript* (March 2013)

Named one of San Diego's "Women Who Mean Business" by *San Diego Business Journal* (November 2011)

*The International Who's Who for Trademark Attorneys* (2011, 2009 and 2007)

Nominated for Athena Pinnacle Award (2008, 2009)

Finalist, *San Diego Business Journal's* 16th Annual Women Who Mean Business Awards (2009)

*Legal 500 US*, Intellectual Property, Trademark (2008, 2016)

Named one of San Diego's "50 Young Leaders Under 40" by *San Diego Metropolitan Magazine* (September 2007)

Winner, TWIN Award from the San Diego YWCA (2004)

## Experience

### Select Representative Matters

- *Different Rules, LLC dba Jack in the Box vs. West Realm Shires Services, Inc. et al.* (2021). Represented Plaintiff, Jack in the Box, in trademark infringement, dilution, and copyright infringement of the famous "Jack" character.
- *San Diego County Credit Union v. Citizens Equity First Credit Union* (2018). Representing Plaintiff, San Diego County Credit Union, in declaratory judgment action for non-infringement of the trademark "IT'S NOT BIG BANK BANKING. IT'S BETTER."
- *Copasetic Clothing Ltd. et al. v. Roots Canada* (2017). Represented Plaintiff, Copasetic Clothing, in declaratory judgment action for non-infringement of trademarks on clothing and apparel items.
- *Blueprint Studios Trends v. Theoni* (2017). Represented Plaintiff, Blueprint Studios, in a design patent infringement case involving furniture designs.
- *theScore, Inc. v. Scorestream, Inc.* (2017). Defended Scorestream in trademark and trade dress infringement case involving digital content for sporting events. Obtained a favorable settlement for the client.
- *Nature's Wing Fin Design, LLC v. Aqua-Lung America, Inc. et al.* (2017). Defended Aqua-Lung in a patent licensing and trade secret dispute against Nature's Wing Fin Design involving swim fin technology. Obtained a voluntary dismissal of the action prior to Aqua-Lung filing an answer.
- *Cobra Systems, Inc. v. George Francis Unger, et al.* (2017). Represented plaintiff, Cobra Systems, in an action for copyright infringement, misappropriation of trade secrets, unfair competition and breach of contract involving industrial printers. Obtained a favorable settlement for the client.
- *Jayden Star LLC v. Ken Craft, Inc.* (2016). Represented plaintiff, Jayden Star, in an action for trade dress, trademark, copyright infringement, state and federal unfair competition and intentional interference with a contract involving jewelry products. Obtained a favorable settlement for the client.
- *DJO, LLC. v. Harry G. Garcia* (2016). Represented plaintiff, DJO, in a trademark infringement, unfair competition and cybersquatting case. Successfully recovered domain name.
- *Evolution Fast Foods, LLC et al. v. Evolution Fresh, Inc. and Starbucks Corporation* (2012). Defended Starbucks in a trademark infringement action involving its use of EVOLUTION FRESH for juice bars brought by Evolution Fast Foods, a San Diego-based vegan fast food restaurant. Obtained a voluntary dismissal of the action prior to discovery.
- *Cricket Communications, Inc. v. ABC Wireless Choice* (2010). Obtained preliminary injunction for client Cricket in this trademark and false advertising case in the Northern District of Illinois involving the CRICKET mark in

connection with Defendant's cellular stores. Subsequently obtained a permanent injunction and an award of attorneys' fees.

- *Cricket Communications, Inc. v. Abid Nazir dba GSM Cellular* (2008-2010). Obtained preliminary injunction for client Cricket, enjoining Defendant's use of the marks CRICKET and KRICKET in connection with his cellular stores. Subsequently obtained victory on the merits on summary judgment as well as an award of all attorneys' fees expended in the litigation.
- *BBU, Inc. et al v. Sara Lee Corporation, et al.* (2009). Successfully represented BBU in a trademark infringement and unfair competition action relating to its "SANDWICH THINS" trademark. Obtained a preliminary injunction enjoining Sara Lee's sale of a competing bread product under the THINS mark. Decision affirmed on appeal by the Ninth Circuit Court of Appeals.

## Articles

- Practice tips for combatting counterfeiters: an action plan for brands, manufacturers and retailers  
*World Trademark Review*, 04.01.2021

### Covering Your Ads Blog Posts

- "A Deeper Dive Into the FTC Crack-Down on Social Media Influencers: What You Should Know Before You Post," July 18, 2017

### Intellectual Property Law Blog Posts

- "Practice Tips for Combating Counterfeiters: An Action Plan for Brands, Manufacturers and Retailers," June 9, 2021
- "Using Hashtag #Disclosures in Social Media Advertising," January 20, 2017
- "Parent Company Furnishes Cancellation of Subsidiary's Trademark Registration," July 28, 2016

## Media Mentions

Sheppard Mullin Adds Ex-Fish & Richardson IP Pro In Calif.  
*Law360*, 08.06.2015

## Speaking Engagements

Speaker, "And Now for Something Completely Different: What You Need to Know About Non-Traditional Trademarks," California Lawyers Association Intellectual Property Law Section's Trademark Office Comes to California Program, San Francisco, CA and Los Angeles, CA, April 2 & 4, 2019

Guest Lecturer, "Fighting Trademark Infringement of Jewelry," University of San Diego School of Law, March 2019

Speaker, "Protecting Your Brand Identity – Combating Online Impersonation, Website Spoofing, Cybersquatting and More," ACC San Diego Chapter, San Diego, CA, October 25, 2018

Guest Lecturer, "Trademark Litigation - Winning Preliminary Injunctions and Motions for Summary Judgment," University of San Diego School of Law, February 2017

Speaker, "Trademark Year In Review," Los Angeles Intellectual Property Law Association (LAIPLA) Spring Seminar, Coronado, CA, June 10, 2016

Moderator, "Pharmaceutical Marijuana Law: Branding, Marketing and Regulatory Issues," International Trademark Association (INTA) Annual Meeting, Orlando, FL, May 23, 2016

Speaker, "Protecting Your Product – IP Issues in the Food and Beverage Industry," ACC San Diego Chapter, San Diego, CA, May 12, 2016

Speaker, "IP Issues," CLE International's Food Law Seminar, Washington, D.C., March 17-18, 2016

## Events

Combating Counterfeits

Webinar, 06.17.2021

Retail Law Conference 2020

Retail Industry Leaders Association

October 20-22, 2020

DATA SECURITY/PRIVACY ROUNDTABLE: Protecting Your Brand Identity – Combating Online Impersonation, Website Spoofing, Cybersquatting and More

10.25.2018

Be Flexible! How One Woman Successfully Navigated Many Changes in the Life Sciences Industry

Presented by Women in Bio Southern California

10.26.2016

ACC San Diego Chapter MAY MCLE: Protecting Your Product - IP Issues in the Food & Beverage Industry

Sheppard Mullin's San Diego (Del Mar) Office, 05.12.2016

CLE International's Inaugural Food Law Conference - Understanding This Rapidly Evolving Area of the Law  
Renaissance Downtown • Washington, DC, March 17-18, 2016

## Memberships

International Trademark Association (INTA), Alternative Dispute Resolution Committee (2014-2018)

Athena San Diego, Chair, Board of Directors

American Bar Association

California Bar Association

San Diego Intellectual Property Law Association

## Podcasts & Webinars

Combating Counterfeits  
06.17.2021

Nota Bene Podcast Episode 129: Practical Tips for Protecting Your Brand Against Counterfeiters with Lisa Martens  
06.09.2021

## Practices

Copyrights  
False Advertising, Lanham Act and Unfair Competition  
Intellectual Property  
Trademark Applications and Prosecution  
Trademarks and Trade Dress

## Industries

Cannabis  
Esports & Games  
Food and Beverage  
Healthcare  
Life Sciences  
Retail, Fashion & Beauty  
Sports

## Education

J.D., DePaul University College of Law, 1994, Order of the Coif  
B.A., Cornell College, 1990, *magna cum laude*

## Admissions

California  
Illinois  
U.S. District Court for the Northern District of California  
U.S. District Court for the Eastern District of California  
U.S. District Court for the Central District of California  
U.S. District Court for the Southern District of California

U.S. Court of Appeals for the Ninth Circuit