

News

Wucherer Quoted in Law360 Article on Landmark Brand Control Decision

Related Services

eControl

Related Industries

Retail and Consumer Products

NEWS | 1.23.2024

Dan Wucherer, a partner in the Cincinnati office and a member of Vorys eControl, was quoted in a Law360 story titled "Justices Pass On TM Fight Over National Shipping Jurisdiction." The story was about the U.S. Supreme Court's decision to decline to review a case from the Ninth Circuit. In the case in question (*Photoplaza Inc. et al. v. Herbal Brands Inc.*), the Ninth Circuit decision found that an unauthorized reseller can be sued in a brand's home state (Arizona in this case) under most circumstances as long as the reseller has received notice of the brand's location, continues to sell products bearing the brand's trademarks into the brand's state, and has some level of control over where its products are sold.

The story states:

"The Ninth Circuit simply held that petitioners are subject to personal jurisdiction in Arizona because they admitted that they regularly sell to Arizona consumers products that give rise to respondent's claims for trademark infringement, while knowing that respondent is located in Arizona and their sales cause harm in Arizona," Herbal Brands said.

Counsel for Herbal Brands said the company was pleased with the Supreme Court's decision to not upend the Ninth Circuit's conclusion.

'We believe the decision is consistent with Supreme Court precedent and sets out correct and well-reasoned rules for when online sales into the forum state can subject a seller to specific personal jurisdiction,' Daniel Wucherer of Vorys Sater Seymour and Pease LLP told Law360 in a statement Monday."

To read the full story on the Law360 website, [click here](#) (subscription may be required). To read an analysis from the Vorys eControl team on this decision, [click here](#).