

## Mesches, Rochford and Lawlor in Law360: 3rd Circ. Kills Lotion TM Case Against Cetaphil Maker

---

February 28, 2019 Ben Mesches, Richard Rochford, Joseph Lawlor

---

**PRACTICES** Trademark and Advertising, Trademark Litigation, Intellectual Property, Litigation

---

*Law360* featured Haynes Boone Partners [Benjamin L. Mesches](#) and [Richard D. Rochford](#) and Associate [Joseph Lawlor](#) in an article about a Third Circuit ruling in favor of firm client, Galderma Laboratories LP.

The appeal followed a 2016 jury trial in Philadelphia, where Rochford, Mesches and Lawlor obtained a jury verdict dismissing plaintiff Thomas Skold's trademark infringement, false advertising, unfair competition and breach of contract claims and rejecting his request for over \$60 million in damages. Skold was awarded \$58,800 on his unjust enrichment claim by the trial court.

Here is an excerpt from *Law360's* coverage of the appeal:

The Third Circuit handed skincare company Galderma Laboratories LP a victory Tuesday in ruling that it didn't infringe the name of a lotion invented by a former business partner with some of its Cetaphil products, finding Galderma had assumed rightful ownership of the "Restoraderm" brand under a 2002 agreement.

In a published, unanimous decision, the Third Circuit panel declined to overturn a jury's ruling against Thomas Sköld's trademark infringement, false advertising, unfair competition and breach of contract claims, but did overturn his unjust enrichment win, saying the ownership issue should not have gone to a jury.

"At the end of the day, we conclude that Galderma is the rightful owner," the panel said. "The 2002 agreement unambiguously provided for transfer of the mark to Galderma's predecessor in interest, CollaGenex. Upon registration of the mark, that ownership became vested and was confirmed for all the world to see."

Galderma is represented by Mesches, partner and co-chair of Haynes Boone's Litigation Practice Group, Rochford, partner and chair of the Intellectual Property Litigation Practice Group, and Lawlor, associate litigator, along with Frederick A. Tecce of Ice Miller LLP.

To read the full article, click [here](#). (Subscription required)