

Mixed Chicks Obtains More Than \$8 million Jury Verdict In Trademark and Trade Dress Infringement Case

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SANTA ANA, CALIF. A team of California-based Haynes Boone attorneys has won a jury verdict against Sally Beauty Supply for a total of \$8,114,535 in actual and punitive damages on behalf of Mixed Chicks LLC, maker of the well-known MIXED CHICKS® line of high-quality hair care products for individuals of mixed race or with naturally curly hair.

Mixed Chicks was represented from inception through trial by [Kenneth G. Parker](#) and Alan R. Wechsler of the [Haynes Boone Orange County office](#).

"We are so happy for our client," Parker said. "Mixed Chicks showed more courage and resolve than I have ever seen from any client in a similar case. They were unwavering. This victory is very satisfying because our client was right and we won against a larger defendant with more resources. We beat a larger legal team, known for expertise in this area, from one of the largest law firms in the country."

The jury found that Sally Beauty infringed the MIXED CHICKS® trademark and Mixed Chicks product trade dress. The jury decided that Mixed Chicks had suffered \$839,535 in actual damages and found that Sally Beauty had acted willfully and with malice, oppression, or fraud, resulting in a punitive damages award of \$7,275,000.

The verdict was returned after a nine-day trial in the United States District Court for the Central District of California, Southern Division (Case No. 8:11-CV-00452-AG (FMO)). The jury deliberated about six hours before reaching its verdict.

Mixed Chicks filed the lawsuit in March 2011 asserting that the "Mixed Silk" products Sally Beauty has sold in its stores infringe the distinctive trade dress of Mixed Chicks® products, as well as the MIXED CHICKS® trademark. Mixed Chicks presented evidence at trial that the overall appearance of the Mixed Silk products is confusingly similar to that of Mixed Chicks® Leave-In Conditioner, Shampoo, and Deep Conditioner. The jury agreed.

In addition to the more than \$8 million jury verdict, Mixed Chicks expects to move for its attorneys' fees, disgorgement of at least a portion of Sally Beauty's profits obtained from sale of the infringing Mixed Silk products, and an injunction stopping the sale of the infringing products.