

TRAILBLAZERS

INTELLECTUAL PROPERTY

GEOFFREY POTTER

PATTERSON BELKNAP WEBB & TYLER LLP

PIONEER SPIRIT Geoffrey Potter didn't necessarily set out to focus on counterfeit work. But early in his career, he was asked to represent Procter & Gamble against a gang that was counterfeiting Head & Shoulders shampoo. "This was back when the profession was less specialized and a client would let a trusted litigator litigate anything. The thrill and gratification from hunting and shutting down the counterfeiters and removing the contaminated counterfeits from the market led me to seek out more of those types of IP cases." Potter soon became known for advising clients involved with counterfeits that could cause serious injury or death, representing companies such as Church & Dwight over counterfeit Trojan condoms, Johnson & Johnson with counterfeit blood glucose test strips and Living Essentials with counterfeit 5-hour Energy.



TRAILS BLAZED Potter now chairs the firm's anti-counterfeiting practice. He recently obtained preliminary injunctions for global health care company Abbott against dozens of distributors that were importing and then selling domestically hundreds of thousands of boxes of Abbott's blood glucose test strips that Abbott had sold outside of the United States for a low price. Potter then successfully defended the injunctions in the Second Circuit, which upheld the lower court's finding that the imported product's packaging was materially different than what Abbott sold domestically and therefore violated Abbott's trademarks. "Anti-diversion litigation is specialized and esoteric. Many don't appreciate that an authentic product made by the trademark owner, when diverted, can violate that same owner's trademark." Potter is currently litigating multiple cases for Abbott, Roche and Johnson & Johnson concerning pharmaceuticals and medical devices that are counterfeit or illegally diverted.

FUTURE EXPLORATIONS Counterfeiting and illegal diversion are profitable. "There is and always will be an unfortunately large number of these cases."