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Welcome to Mohajerian Inc's monthly Newsletter. Each month we will provide our readers with pertinent industry, legal, and business information related to the legal industry. Your suggestions and interests are always valued; please forward all comments or suggestions to:
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||| Case Law Review |||

Franchise Agreement Case

Donald Walker Plaintiff v. Pacific Pride Services Inc.

United States Court of Appeals for the Ninth Circuit came with a ruling on the case of Donald Walker v. Pacific Pride Services Inc.:

The victim of a workplace accident, Donald Walker, brought suit against the franchisor of the commercial fueling station where he worked. The franchisor, Pacific Pride Services, Inc., moved for summary judgment, asserting that it was not [*2] liable for the accident because the franchisee, SF Petroleum, Inc., was an independent contractor as a matter of law. The district court granted the motion for summary judgment. Walker's appeal concerns whether issues of disputed fact remain as to whether the franchisor-franchisee relationship was actually a principal-agent relationship, in which case the franchisor could be found liable for the victim's injuries.

The court ruled:

We now affirm the district court's order granting summary judgment.

References & Information Provided By:

2009 U.S. Dist. LEXIS 17975.



Federal Trademark, Unfair Competition, and Trade Secret Case

Rosco, Inc. Plaintiff v. Mirror Lite Company Defendant

United States District Court for the Eastern District of New York came with a ruling on the case of Rosco Inc. v. Mirror Lite Company:

In this case plaintiff, Rosco, Inc., commenced this action, in 1996, against defendant, Mirror Lite Company, asserting claims of design patent infringement, trade dress infringement, false designation of origin, tortious interference with business relationships, misrepresentation in violation of *15 U.S.C. § 1125(a)*, and common [*2] law trademark infringement.

The court ruled:

Mirror Lite is entitled to a reasonable royalty damages award in the amount of \$ 397,843.25. Mirrors 1, 2, and 5 do not infringe on Mirror Lite's '984 patent, and Mirror Lite is not entitled [*4] to future damages or enhanced damages. Mirror Lite's motions to strike evidence relating to the bisecting test and template test, strike Folan's testimony on patent matters and introduce evidence from pre-2000 that allegedly relates to damages post-2000 are all denied. Mirror Lite's request for an amended proposed permanent injunction, with the exception of paragraph 2(b), is granted.

References & Information Provided By:

2009 U.S. Dist. LEXIS 51033.