



Brian G. Gilpin

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Practice Areas

Intellectual Property

Intellectual Property Litigation

Non-Competition & Trade
Secrets

Admissions

Illinois

Wisconsin

Education

Juris Doctor, UIC John
Marshall Law School, 1996,
cum laude

Bachelor of Science, Purdue
University, 1993, Civil
Engineering



Brian Gilpin is a registered patent attorney and shareholder in Godfrey & Kahn's intellectual property practice. He provides counsel to clients on U.S. and international patent, trademark, copyright, and other intellectual property and technology issues including licensing and litigation.

Representative clients Brian regularly represents in patent and trademark matters include automotive parts manufacturer [Asyst Technologies](#), [Duluth Trading Company](#); [Johnsonville](#); [Kohl's](#); and Pacific Cycle, manufacturer and distributor of [Schwinn](#), [GT](#), [Mongoose](#), and other brands of bicycles and recreational products. He has experience in a variety of mechanical and technological areas, including plastic part molding, metal part fabrication and automated components assembly.

Brian is a member of the State Bars of Illinois and Wisconsin and is admitted to practice before numerous federal courts and the U.S. Patent and Trademark Office. Brian serves on the Board of Directors of [First Stage](#) and previously served on the Board of Directors of [Big Brothers Big Sisters of Metropolitan Milwaukee](#) and on the Executive Business Advisory Board of NameProtect (now part of [Corsearch](#)).

Brian received his engineering degree from Purdue University and graduated from UIC John Marshall Law School, *cum laude*. While in law school, he was the editor-in-chief of the *John Marshall Journal of Computer & Information Law*.

Representative Experience

Representative Trademark Clients

[Duluth Trading Company](#) – retailer of work wear, products, and accessories

[Johnsonville](#) – manufacturer of popular meat products

[Kohl's](#) – retail department stores

[Pacific Cycle](#) – manufacturer and distributor of [Schwinn](#), [GT](#), [Mongoose](#), and other brands of bicycles and recreational products.

Representative Patent Clients

[Asyst Technologies](#) - OEM of automotive parts primarily for forward lighting equipment

[Harken, Inc.](#) - manufacturer and marketer of sailboat hardware and accessories

Representative Experience

Representative Litigation and Arbitration Matters

Unique Coupons v. Menasha Corporation and Northfield Corporation. Represented packaging equipment manufacturer Northfield in two trials in the Northern District of Illinois and appeals to the Court of Appeals for the Federal Circuit relating to patent infringement claims brought by competitor and resulting in findings of no liability.

Johnsonville Sausage v. Premio Foods. Represented Johnsonville in trademark infringement action against Premio in Eastern District of Wisconsin resulting in settlement during jury trial.

Krause Publications, Inc. v. Chester L. Krause. Represented Krause Publications in trial before Trademark Trial and Appeal Board and appeal to the Court of Appeals for the Federal Circuit in trademark opposition matter resulting in denial of Mr. Krause's attempt to obtain trademark registration.

Asyst Technologies v. Eagle Eyes. Represented Asyst Technologies in patent infringements action in Eastern District of Wisconsin against Taiwan manufacturer of after market automotive parts.

U.S. Dairy Export Council et al. v. Interprofession du Gruyère and Syndicat Interprofessionnel du Gruyère. Represented U.S. dairy organizations and companies in a Trademark Trial and Appeal Board trial opposing the attempted registration by Swiss and French consortiums of GRUYERE as a certification mark in U.S. The TTAB determined “that purchasers and consumers of cheese understand the term ‘gruyere’ as a designation that primarily refers to a category within the genus of cheese that can come from anywhere” and sustained the opposition in a [precedential decision](#). 2020 U.S.P.Q.2d 10892 (2020). The European consortiums appealed the decision to the U.S. District Court for the Eastern District of Virginia which [granted summary judgment](#) in favor of the opposers. 575 F.Supp.3d 627 (2021). On further appeal, the U.S. Court of Appeals for the Fourth Circuit found the evidence “‘so one-sided’ that there is no genuine issue as to any material fact and Opposers must prevail as a matter of law.” The Court reasoned that the “the common usage of gruyere ‘establish[es] that when purchasers walk into retail stores and ask for [gruyere], they regularly mean’ a type of cheese, and not a cheese that was produced in the Gruyère region of Switzerland and France,” [ultimately holding](#) “the Consortiums cannot overcome what the record makes clear: cheese consumers in the United States understand ‘GRUYERE’ to refer to a type of cheese, which renders the term generic.” 61 F.4th 407 (2023). The case received substantial press attention in publications including [Fox Business](#), [The Washington Post](#), [The Guardian](#), [U.S. News](#), [Reuters](#), [Law360](#), and others.

Counsel for various clients in dozens of domain name arbitrations under the Uniform Domain-Name Dispute Resolution Policy (“UDRP”).

Court Admissions

United States Court of Appeals, Federal Circuit
United States Court of Appeals, Fourth Circuit
United States Court of Appeals, Seventh Circuit
United States District Court, Northern District of Illinois
United States District Court, District of Colorado
United States District Court, Eastern District of Texas
United States District Court, Eastern District of Wisconsin
United States District Court, Western District of Wisconsin

Professional Association Memberships

American Intellectual Property Law Association
Illinois State Bar Association
Milwaukee Bar Association
Wisconsin Intellectual Property Law Association

Activities

International Trademark Association – Member, Geographical Indications Committee
First Stage, Board of Directors (current)
Big Brothers Big Sisters of Metropolitan Milwaukee, Board of Directors (1999 - 2007)
NameProtect (now part of Corsearch), Executive Business Advisory Board (2006 - 2008)

Honors

Recommend by *IAM Patent 1000* (2021 - 2023)

Recommend by *World Trademark Review 1000* (2021 - 2024)

Recognized by *Chambers USA* (Intellectual Property, 2017 - 2023)

Recognized as a *Rising Star* (2007 - 2008, 2010 - 2011) and *Super Lawyer* (2022-2023) by *Wisconsin Super Lawyers*

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