

Merchant & Gould Swiftly Defends Client Against 47 Copyright Infringement Claims

Client Background

Lori Greiner is the founder of For Your Ease Only, Inc., and host of *Clever & Unique Creations with Lori Greiner* on QVC-TV, which has a considerable following. Greiner's products include jewelry organizers, home innovations, fragrances and other uniquely designed home accessories.

Ms. Greiner's products also appear in retail stores and catalogues. Currently Greiner holds over 52 US and international patents.

Challenge

Mostly Memories Inc. manufactures decorative candles and other home accents. For several years, Lori Greiner and For Your Ease Only acted as the exclusive sales agent on behalf of Mostly Memories to the QVC shopping network. When Mostly Memories became unable to fill a certain product order, For Your Ease Only was forced to purchase replacement candles from a third-party manufacturer. Mostly Memories sued For Your Ease Only, with a mammoth complaint alleging 47 different counts of copyright infringement and damages of over \$30 million.

Ms. Greiner believed that a swift and successful resolution to this lawsuit was extremely important due to her public persona and relationship with the QVC, as well as the lawsuit's baselessness. Greiner retained Merchant & Gould for its considerable litigation experience in copyright matters and its commitment to bringing a quick resolution to the dispute.

Solution

After a thorough and prompt examination of the complaint's 47 infringement claims, Merchant & Gould determined that every single one of them was baseless. During a deposition in a room filled with boxes of documents regarding each claim, including pictures of the products, the president of the plaintiff was methodically questioned about each allegation in the complaint. When the plaintiff's president started conceding that allegation after allegation lacked any factual basis, opposing counsel stopped the deposition and offered to dismiss the entire case immediately. After dismissal, Merchant & Gould successfully opposed plaintiff's effort to reinstate the case and also won an appeal seeking an award of For Your Ease Only's attorneys' fees to be paid by the plaintiff.

Merchant & Gould's strategy to pick apart each individual claim during the plaintiff's deposition resulted in a complete victory for its client within six months, without a costly trial. The client was able to preserve her business relationships and get "back to business" quickly. Currently For Your Ease Only is pursuing various counterclaims.

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