



## FISH & RICHARDSON



Lisa M. Martens

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### Services

Appellate

Trademark

Copyright

Domain Name Dispute Resolution

Copyright Litigation

Trademark Litigation

### Sectors

Internet

Semiconductors

Consumer Products

Telecommunications

New Media and Entertainment

Lisa Martens is a Principal in the Southern California office of Fish & Richardson P.C. Her practice emphasizes trademark prosecution and litigation for the food service, health care, biotechnology, computer, Internet, and retail clothing industries. Ms. Martens has significant experience in managing U.S. and foreign trademark portfolios for large international companies. Her internet work includes handling domain name disputes and securing domain names in the U.S. and worldwide, as well as providing advice on legal requirements for conducting online sweepstakes and promotions. Ms. Martens' practice also includes licensing intellectual property and litigation relating to trademarks, copyrights, trade secrets, and false comparative advertising.

### Experience

Litigation examples

*Cricket Communications, Inc. v. ABC Wireless Choice* (2010) Obtained preliminary injunction for client Cricket in this trademark and false advertising case in the Northern District of Illinois involving the CRICKET mark in connection with Defendant's cellular stores. Subsequently obtained a permanent injunction and an award of attorneys' fees.

*Cricket Communications, Inc. v. Abid Nazir dba GSM Cellular* (2008-2010) Obtained preliminary injunction for client Cricket, enjoining Defendant's use of the marks CRICKET and KRICKET in connection with his cellular stores. Subsequently obtained victory on the merits on summary judgment as well as an award of all attorneys' fees expended in the litigation.

*BBU, Inc. et al v. Sara Lee Corporation, et al.* (2009) Successfully represented BBU in a trademark infringement and unfair competition action relating to its SANDWICH THINS trademark. Obtained a preliminary injunction enjoining Sara Lee's sale of a competing bread product under the THINS mark. Decision affirmed on appeal by the 9th Circuit Court of Appeals.

*Buzztime Entertainment, Inc. v. Sony Computer Entertainment America, Inc.* (2008) Currently representing Buzztime Entertainment in a trademark infringement and unfair competition action relating to its BUZZTIME trademark.

*Cricket Communications, Inc. v. HipCricket, Inc.* (2007) Lead counsel for Cricket Communications in a trademark infringement, dilution, unfair competition, and cybersquatting action relating to its CRICKET trademark. Obtained a favorable settlement through mediation shortly before trial.

*Apple, Inc. v. Podfitness, Inc.* (2006) Representing Apple in a trademark infringement and dilution action relating to its IPOD trademark. Obtained a consent judgment and permanent injunction on behalf of Apple.

*Callaway Golf Co. v. Akribis Golf Company* (2005) Represented Callaway Golf in trademark declaratory judgment case against Akribis involving the name of a golf putter. Akribis' claims were voluntarily dismissed with prejudice.

## Education

BA, Cornell University 1990  
Politics and Philosophy  
*magna cum laude*

JD, DePaul University College of Law 1994  
*Order of the Coif*

## Admissions

California

United States District Court for the Northern District of California

United States District Court for the Eastern District of California

United States District Court for the Central District of California

United States District Court for the Southern District of California

## Memberships and Affiliations

Member: International Trademark Association, American Bar Association, California Bar Association, San Diego Intellectual Property Law Association.

Listed in *Who's Who for Trademark Attorneys* 2009 and 2007. Selected to San Diego *Super Lawyers* Intellectual Property Litigation, Intellectual Property in 2010, 2009, 2008 and 2007. Listed in "The Legal 500 US IP" of top law firms and lawyers in the area of Trademark. Named by *San Diego Metropolitan Magazine* as one of "San Diego's 40 Young Leaders Under 40," September 2007. Named by *San Diego Daily Transcript* as one of "San Diego's Top Attorneys," July 2009. Finalist, *San Diego Business Journal's* 16th Annual Women Who Mean Business Awards, 2009. Received a TWIN award in 2004. Nominated for an Athena Pinnacle Award in 2008 and 2009.

## Other Distinctions

Selected publications

"Can I Infringe on Your Tweet?" with Alexander Garcia, *Daily Journal*, (May 2010).

"Shapes, Sounds and Smells," with Alexander Garcia, *Trademark World*, (November 2009).

"A New Standard for Fraud," with Alexander Garcia, *Trademark World*, (November 2009).

"Trademark Registration and Fraud: Avoiding the Consequences of Committing Fraud on the United States Patent and Trademark Office," with Alexander Garcia, *Trademark World*, (September 2009).

"Is a video game entitled to First Amendment protection?," with Alexander Garcia, *Sports Business Journal*, (October 26, 2009).

"Initial Interest Confusion After Brookfield - Can courts protect trademark owners without going overboard?," *Daily Journal*, July 9, 2007

"Chasing Pirates - Developing an anti-counterfeiting strategy," *Daily Journal*, January 2, 2007

"Another Type of Identity Theft," *San Diego Daily Transcript* (May 14, 2005).

"From Health Care to Hot Tubs to Halters: Fish & Richardson's Trademark Practice Hit the Mark," *San Diego Daily Transcript* (August 5, 2004).

"Selecting Strong Trademarks," *Sports Edge Magazine* (April 2004).

"Cases of Counterfeits and Copyrights," *San Diego Metropolitan* (November 2003).

"Debunking Common Myths about Trademarks and Copyrights," *San Diego Daily Transcript* (August 7, 2003).

"FDA and the Pharmaceutical Name Game," with Keith A. Barritt, *San Diego Daily Transcript* (May 1, 2003).

## News

[Advice on avoiding trademark hazards and saving money](#)

[Can I Infringe on Your Tweet?](#)

[Cricket Communications Prevails in Trademark Infringement and False Advertising Case, Receives Award of Attorneys' Fees](#)

[Fish Client, Cricket Communications, Receives Rare Award of Attorneys Fees in Trademark Infringement Case](#)

[How to Protect Against Trademark Counterfeiting](#)

[Is a video game entitled to First Amendment protection?](#)

[Lisa Martens Nominated as a Woman Who Means Business](#)

[United States: Shape, sound and smell marks](#)

[Your Health](#)

## Speaking Engagements

[Women As Leaders: Paths to Success](#)

[Archive](#)