

*Margaret McGann is a shareholder with more than 20 years of experience in trademark law and applying it to brand development, maintenance and enforcement. With a strong team of experienced paralegals and associates, she can efficiently serve both your simple and complex trademark needs and help you ascertain what those needs are.*



## Margaret Niver McGann

Shareholder | Salt Lake City | Boise

### Biography

Margaret Niver McGann is a shareholder of Parsons Behle & Latimer and focuses her practice on trademark law and its application to brand development, maintenance and enforcement.

Ms. McGann assists her clients in developing and managing trademark portfolios both locally, nationally and internationally. She has more than 20 years of experience counseling clients over both the short and long term on domestic and international brand name clearance, registration, use and protection strategies. She has extensive experience filing and prosecuting domestic trademark applications, and, in partnership with foreign associates, trademarks across the globe.

Ms. McGann assists clients in providing brand management and trademark education and training for all levels of employees. She helps clients identify or develop resources that allow them to manage trademark portfolios internally or to reduce costs associated with trademark management. Ms. McGann has worked as a member of client teams to assist in specific events such as the launch of a brand or an expansion to worldwide protection and use; or to assist in building or redesigning internal trademark systems and procedures. She can also provide support in the assessment and management of newly-acquired portfolios or potential portfolios.

Ms. McGann has experience in bringing and defending all types of trademark disputes, including infringement litigation as well as opposition and cancellation proceedings at the Trademark Trial and Appeal Board; in licensing disputes; and in a wide array of internet-related intellectual property disputes.

### Contact information

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### Capabilities

TTAB Proceedings

Technology, Licensing & Intellectual Property Transactions

Trademark and Trade Dress Litigation

USPTO Proceedings

Trademark Prosecution

Aviation

### Licensed/Admitted

Utah

Texas

Washington

Idaho

Ms. McGann has represented and counseled both local and national clients including Micron Technology, Inc., J.R. Simplot Company, ClearOne Communications, Dented Brick Distillery, Beans & Brews, Women Moving Millions, Inc. and Boarding for Breast Cancer (B4BC).

Ms. McGann is based in Seattle, Wash. and is frequently in the Boise, Ida. and Salt Lake City offices.

## Experience

### **Rebranding Strategy and Prosecution of Trademark Applications**

Successfully appealed the USPTO's refusal to register client's trademark. Secured opinion from TTAB supporting client.

### **Filing and Prosecution of Trademark Applications and Brand Protection Strategy**

Represented major coffee shop client through growth from one to more than 65 shops.

### **False Advertising and Trade Secret Litigation**

Represented client in false advertising and trade secret misappropriation lawsuit that resulted in a favorable verdict on both claims as well as findings of willful infringement.

### **Filing and Prosecution of Trademarks**

Assist large agricultural client in the domestic and international filing and prosecution of trademarks as well as enforcement and defense.

### **Trademark Cancellation Action**

Represented client in defense of trademark cancellation actions before the TTAB.

### **NLU Products, LLC (BGZ Brands)**

Developed worldwide trademark registration and protection strategy and managed U.S. and international trademark portfolio, including client's core brands, BODYGUARDZ, LANDER, and MOXYO.

### **Trademark Application Defense**

Defended our client's trademark application against opposition brought by Apple, Inc. and settled the matter amicably.

### **Rebranding and Trademark Prosecution**

Assisted the client with a rebranding strategy and prosecution of trademark applications and successfully appealed the USPTO's refusal to register client's trademark.

**Defended Trademark Application from Opposition**

Represented the client in development of new brand and prosecution of trademark applications. Successfully defended against and prosecuted opposition actions as part of the registration process. Assisted client with acquisition of trademark rights.

**Defended TTAB Portfolio**

Defended and brought opposition proceedings in TTAB to protect client's extensive national and international trademark portfolio. Assisted in developing a new branding strategy and integration of marks from asset purchases. Provided education and training opportunities..

**Assisted Owner in Expansion over Four States**

Assisted the owner and franchisor of Beans & Brews coffee shops as it has grown from one location to 65 locations over four states by filing and prosecuting trademark applications and assisting in the development and implementation of a long-term brand protection strategy as well as implementing various watch notice and policing policies.

**Clear Smiles, Inc.**

Developed trademark registration strategy that included acquisition of existing marks and opposition actions against pending applications. Settled opposition actions favorably for client and successfully registered client's mark.

**Apple, Inc. v. Super Healthy Kids, Inc.**

Represented client in opposition action filed by Apple, Inc. Case settled favorably for client.

**Acted as local counsel and co-counsel in obtaining permanent injunctive relief and jury verdict in trademark infringement matter**

Parsons Behle & Latimer was retained to assist national counsel in injunctive proceedings and trial of trademark infringement and unfair competition claims for national bakery resulting in permanent injunctive relief, a jury verdict finding willful infringement and a combined, enhanced award of over \$5 million dollars against defendants.

**Represented provider of audio and video conferencing equipment in resolving trademark infringement claim against a multi-national company**

Parsons Behle & Latimer was retained to assist the client in resolving a trademark infringement matter with a larger, multi-national company. After bringing suit in the Utah District Court, the parties negotiated a nationwide consent agreement.

**Assisted in nationwide investigations and brand enforcement actions for quick serve restaurant client**

Parsons Behle & Latimer has been retained to assist the client on a nationwide basis in investigating and bringing brand enforcement actions to protect the client's trademarks and trade dress including the filing of actions for trademark infringement and unfair competition actions in New York, Maryland, Florida, Idaho, Utah and Illinois District Courts. In addition, Parsons Behle & Latimer assists the client in developing and implementing a worldwide brand protection strategy with an emphasis in Asia.

**Obtained partial preliminary injunction for national quick serve restaurant service provider in trademark infringement matter in Utah District Court**

Parsons Behle & Latimer was retained to represent quick serve restaurant in injunctive proceedings against local restaurant for trademark and trade dress infringement claims and unfair competition. After obtaining a partial injunction, the parties resolved the matter.

## Accomplishments

**Professional**

Recognized in *Best Lawyers in America*, Intellectual Property Litigation

IP Star, *Managing Intellectual Property Magazine*

Rated AV® Preeminent™ by *Martindale-Hubbell*

Prior to move to Seattle, consistently recognized by Utah Legal Elite

Served as a law clerk to Justice Nathan Hecht of the Supreme Court of Texas from 1992 – 1993

**Academic**

The University of Texas School of Law

- (J.D. 1992, with honors)
- Chancellor, Keeper of the Peregrinus
- Member, Order of the Coif
- Member, Order of the Barristers

University of Virginia (B.A., 1988)

## Associations

**Professional**

International Trademark Association

Member

(1999 - Present)

AIPLA Member  
(2000 - Present)

Women Tech Council  
Member  
(2007 - Present)  
Advisory Board  
(2007 - 2011)

Idaho Women Lawyers

IP Sections of Idaho, Utah, Texas and Washington State Bars

## Community

Backback Brigade

Utah Chapter ARCS Foundation  
Board of Directors  
(2009 - Present)  
Past President  
(2013 - 2014)

Seattle Chapter ARCS Foundation  
Board of Directors  
(2017 - Present)  
President  
(2021 - 2023)

ARCS Foundation National Board  
(2014 - Present)

Rowland Hall-St. Mark's School  
Board of Trustees  
(2007 - 2013)

## Presentations

“Mid-Year Trademark Case Law Update and Discussion on Practice Approach in China: How Broad to Go,” July 20, 2022

Utah State Bar Intellectual Property Section

“Early Stage Montana Roadshow/Tech Incubator,” June 16, 2022  
Coach, Early Stage MT

## Articles

Right of Publicity and Privacy Laws: Key Insights for Marketing Professionals (November 11, 2024)

Idaho Trademark Law: Protecting Your Brand in the Gem State (November 11, 2024)

Trademark Scams: A Growing Problem (May 10, 2024)

Emerging Risks for Trademark Owners: The National Advertising Division Weighs in on Improper Use of the ® Symbol (July 15, 2024)