

IN BRIEF

Latham Guides Veteran Volunteer Group To Win Against Own Affiliate

The U.S. Court of Appeals for the Second Circuit has upheld a preliminary injunction that blocks the global affiliate of the disaster relief organization from continuing to use the Team Rubicon mark.

Latham & Watkins scored the win for Team Rubicon, a nongovernmental organization founded by Marine Corps veterans William McNulty and Jake Wood that organizes military veterans to provide disaster relief.

The organization had a falling out with its licensed global affiliate, which goes by the name Team Rubicon Global, after a female volunteer alleged that the head of the U.K. unit behaved inappropriately toward her at a Team Rubicon conference, and the head of the Australian unit spoke inappropriately to her.

After an investigation, Team Rubicon asked Rubicon Global to terminate the executives and mandate harassment trainings. When those steps weren't taken after three months, Team Rubicon revoked its licensing agreement, citing a provision that requires Rubicon Global to "cooperate and comply with all quality control measures" requested

by Team Rubicon "to preserve and protect the integrity of the Licensed Marks." The organization won a court order enjoining Team Rubicon Global from using the Team Rubicon mark.

Team Rubicon Global argued that Wood never liked the idea of having global affiliates, and that the harassment allegations were simply a pretext for ending the affiliation. It comes only four years into a 20-year deal, after Team Rubicon Global made substantial investments in the brand. Plus U.S. District Judge Laura Taylor Swain of the Southern District of New York issued the injunction just four days after it was fully briefed, without argument or an evidentiary hearing.

A Second Circuit panel comprising Judges Amalya Kearse, Gerard Lynch and William Nardini affirmed the injunction in a summary order Tuesday.

Team Rubicon is likely to succeed on the merits of its claims, and the equities tip in its favor, the court held. "Contrary to Rubicon Global's claim that the injunction 'effectively shuts' its business, the preliminary injunction does not prohibit Rubicon Global from continuing its



Michael Bern, with Latham & Watkins.

operations, without using the Team Rubicon marks, while the dispute is being litigated," the judges wrote.

Latham partner Michael Bern had the winning argument at the Second Circuit for Team Rubicon, with help from partners Jeff Hammel and Matthew Walch and associates Elizabeth Parvis and Matthew Salerno.

Team Rubicon Global was represented by Kesselman Brantly Stockinger.

—Scott Graham