

PRESS RELEASE

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Shaheen, Novoselsky, Staat, Filipowski & Eccleston Wins Verdict For Steger Funeral Home In Service Mark Infringement/Unfair Competition Trial

Judge finds that Smits Funeral Homes does not have the right to appropriate the town name of Steger for its exclusive use

Chicago, Illinois, April 25, 2008: Shaheen, Novoselsky, Staat, Filipowski & Eccleston, P.C. is pleased to announce the successful outcome of the case of *Smits Funeral Homes Ltd. dba Steger Memorial Chapel v. Steger Funeral Home LLC , John Parzygnot & Joseph Parzygnot dba Steger Funeral Home* in the Chancery Division of the Circuit Court of Cook County, Illinois. Mr. Novoselsky represented the Parzygnots who were sued by Smits for damages and an injunction restraining their use of the town name of Steger as part of their trade name or service mark. On April 23, 2008, Judge LeRoy K. Martin, Jr. entered judgment for the Steger Funeral Home.

At the end of a five-day trial, Smits withdrew its claim for money damages but pressed for an injunction. Judge Martin determined that absent unusual circumstances, which Smits did not prove, no merchant has the right to appropriate for its exclusive use a town's name to the exclusion of other merchants selling products or services or located in that same town as part of either their business name or service mark.

Commenting on the case, Mr. Novoselsky said, "It's very encouraging to see the court upholding the common law principles of fair trade, particularly in not allowing a merchant to monopolize a place name for its own exclusive benefit." Mr. Novoselsky also noted that very few service mark infringement cases are tried in the State court, as such claims usually go before the Federal courts.

Henry N. Novoselsky has been practicing civil litigation before trial and appellate courts for over 40 years, representing parties in unfair competition disputes, breach of fiduciary claims, injunctive proceedings, business dissolution and contested estate and trust matters.

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