



Pattishall Prevails in 5th Circuit

March 8, 2017



[Phil Barengolts](#) and [Jessica Ekhoﬀ](#) prevailed in the U.S. Court of Appeals for the Fifth Circuit for Insignia Marketing and Christine McAtee in *Vetter v. McAtee*, No. 15-20575 (5th Cir. March 1, 2017), <http://www.ca5.uscourts.gov/opinions/pub/15/15-20575-CV0.pdf>. The Court upheld Insignia Marketing’s trial victory and affirmed the denial of Vetter’s request for attorneys’ fees against our clients. The Court held the [Lanham Act’s](#) “fee-shifting provision vests significant discretion in the district courts to grant or deny attorneys’ fees on a case-by-case basis.” The case was held not “exceptional” under the standards announced in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 134 S. Ct. 1749 (2014).



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