

For Immediate Release

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DARBY & DARBY WINS \$1.7 MILLION VERDICT FOR LUCKY BREAK WISHBONE CORP. IN COPYRIGHT INFRINGEMENT CASE AGAINST SEARS AND Y&R

SEATTLE – July 10, 2008 – Seattle attorneys David Tellekson and Mark Walters of intellectual property law firm Darby & Darby recently won a \$1.7 million verdict in actual damages and profits for their client, Lucky Break Wishbone Corporation of Seattle against Sears, Roebuck and Co. and Young & Rubicam (Y&R). A Seattle jury in the District Court for the Western District of Washington returned a verdict of copyright infringement on two copyright registrations, finding that Sears used Lucky Break’s wishbone design without permission in a national advertising campaign before Thanksgiving 2005. Both Sears and Y&R were found liable for infringing Lucky Break’s registered product warning.

Developed by Y&R under the theme “Wish Big,” Sears gave away more than 1,000,000 infringing plastic wishbones with a discount coupon, and more than 39,000,000 images of the copyrighted work were distributed on the front cover of newspaper circulars promoting the campaign.

Ken Ahroni is president of Lucky Break (www.LuckyBreakWishbone.com), the leading manufacturer of a novelty wishbone, designed to break like a real turkey wishbone. The wishbones are made in Auburn, Wash., and distributed world-wide.

Darby & Darby P.C. is a full-service intellectual property firm focusing on patents, copyrights, trademarks and false advertising for more than 110 years. As one of the oldest and largest intellectual property firms in the United States, with over 100 professionals, Darby & Darby has long been important in pioneering and precedent-setting IP matters. The firm has offices in New York, Seattle, Washington, D.C., Florida and Frankfurt, Germany.

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