

# Three Appellate Wins in Three Weeks for Litigation Boutique Susman Godfrey

11.08.2016 | 10 | 21NEWS

MIAMI, PUERTO RICO, NEW YORK (November 7, 2016) — Susman Godfrey partners have won three different appeals argued within three weeks of one another across three different United States Circuit Courts of Appeal, once again proving the firm's prowess in high stakes commercial litigation.

In the first case, Houston Partner [Justin Nelson](#) argued on behalf of Amazon.com, defending its Amazon Fire TV product against Wreal, who sued Amazon for trademark infringement alleging that the Amazon's Fire TV product was likely to cause confusion with Wreal's "FyreTV" mark since both streamed video over the Internet. Nelson convinced a lower court to deny Wreal's preliminary injunction—on both merits and procedural grounds. The Susman Godfrey team focused on the differences between Wreal's pornographic streaming video and Amazon's mainstream product. The case was argued to the 11th Circuit on May 17<sup>th</sup> 2016, and the Circuit Court affirmed the victory on October 28, 2016.

The case is *Wreal LLC v. Amazon.com Inc.* Joining Nelson on the matter were [Drew Hansen](#) and [Patrick Bageant](#). Read more about this matter [here](#).

Just three weeks later, on June 6<sup>th</sup>, Houston Partner [Joseph Grinstein](#) argued an appeal to the U.S. Court of Appeals for the First Circuit. This appeal arose from a case in the federal district court in San Juan, Puerto Rico on behalf of the nation's largest retailer, regarding the constitutionality of certain provisions of Puerto Rico's Alternative Minimum Tax (AMT). Following a trial in February 2016, the district court issued its opinion in March 2016, declaring the challenged AMT provisions to violate the dormant commerce and equal protection clauses of the U.S. Constitution, in addition to the Federal Relations Act. The district court then enjoined further enforcement of these AMT provisions. Puerto Rico appealed, and in August 2016 the First Circuit affirmed the district court in full. Susman Godfrey's win on this case was notable because it has been decades since a federal appellate court has affirmed a federal district court's declaration of a state or commonwealth tax as unconstitutional.

Joining Grinstein on the matter were [Neal Manne](#), [Shawn Rabin](#), and [Steven Shepard](#).

Three days after Grinstein argued in the First Circuit, New York Partner [Jacob W. Buchdahl](#) appeared and argued on behalf of client Hermitage in the U.S. Court of Appeals for the Second Circuit. Susman Godfrey represented Hermitage, a victim of a massive tax fraud in Russia, in its efforts to disqualify its former counsel (whom Hermitage had retained to help investigate the fraud) from representing the defendant in a money laundering case involving the proceeds of the very same fraud. The Second Circuit issued a rare writ of mandamus disqualifying counsel, handing a complete victory to Hermitage.

The case was *U.S. v. Prevezon Holdings Ltd. et al.* Joining Buchdahl on the case was [Cory Buland](#) and [Zach Savage](#). This story was widely covered in legal media. You can read more about it [here](#).

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These three wins cap off a string of precedent-setting successes in appellate court for Susman Godfrey this year. First with *W&T Offshore, Inc. v. Apache Corporation* in February, followed by *Medivation, Inc. v. The Regents of the University of California and Aragon Pharmaceuticals, Inc., (Intervenor) v. Medivation, Inc and Harris v. Fischer* in March, then *In re: Queen's University at Kingston et al.* in May, *Bascom Global Internet Services Inc. v. AT&T Mobility LLC* in June and, most recently, *GlobeRanger Corporation v. Software AG et al.* and *Jibe Audio LLC et al. v. Pentagram Design Inc. et al* in September.