



**For Immediate Release**

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## **Rollashoe LLC Sues For Trademark Infringement of its Trend- Setting Footzyrolls Shoes**

*Trendy Shoes Worn by Celebrities Faces Unfair Competition from Knock-Offs*

**MIAMI, Fla., February 18, 2010** – Rollashoe, LLC, a Florida-based company that manufactures and distributes Footzyrolls, the trendy roll-able and foldable women's shoes, has filed a lawsuit against Funk-Tional Enterprises, LLC for trademark infringement and unfair competition in connection with its Aftersoles brand.

Rollashoe, LLC's (Footzyrolls) attorney David H. Lichter, a partner with the law firm of Higer Lichter & Givner, filed the suit in the U.S. District Court for the Southern District of Florida after discovering that Aftersoles were being marketed with trademarked images, near identical packaging and misleading sales practices.

"Aftersoles' attempt to market its own version of Footzyrolls was a blatant attempt to capitalize on my client's success," said plaintiff's attorney David Lichter. "The Footzyrolls brand is familiar to many consumers throughout the country and my client is dedicated to vigorously defend it. While we gladly welcome fair competition, we cannot allow others to simply engage in copy-cat tactics that are confusing and misleading."

Footzyrolls' founder and CEO, Jenifer Caplan, stressed that she is devoted to protecting and supporting her concept. "I've worked very hard to get Footzyrolls to where it is today. My heart and soul has gone into this product and it's unfortunate that my competition has resorted to confusing consumers by copying my ideas and designs."

Footzyrolls have received an astounding amount of positive media attention and publicity since its inception. The shoes have been featured on several major outlets including USA Today, People Magazine, the CBS Early Show, The Today Show and Good Morning America. Footzyrolls have also received attention by being worn by nationally recognized celebrities such as Kim Kardashian, Blake Lively, and Mariska Hartigay.

The complaint alleges that Aftersoles infringed on Footzyrolls trademark and engaged in unfair practices by utilizing Footzyrolls unique branding and notoriety. Aftersoles purposely and intentionally published numerous images on its website, Facebook and other outlets that concealed the heel portion of the shoe to mislead customers into believing they are in fact purchasing Footzyrolls, the better-quality and trendier product. The back of the shoe was hidden because Aftersoles have an elastic heel; Footzyrolls do not. This is one key difference in overall quality between the two products.

The Aftersoles manufacturers also went as far as creating packaging for its shoes that is almost indistinguishable from Footzyrolls unique packaging. Footzyrolls uses a black pouch and box; and white and hot pink color scheme for its branding. Aftersoles tried to mislead potential Footzyrolls customers by using the same trade dress. The copied design elements were also used in Aftersoles' website, which only added to the misleading representation of its product.

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In December of 2009, Aftersoles' received an email from a potential customer stating that they were interested in purchasing 150 pairs of Footzyrolls after seeing some of the publicity and advertising.

Aftersoles replied by stating that its product was the same as Footzyrolls despite having elastic backing and lower price point. Aftersoles' response clearly indicated that it was purposely confusing potential customers.

The plaintiffs are suing for trademark infringement, trade dress infringement and unfair competition. They are seeking permanent injunctive relief, compensatory damages with interest, lost profits, attorney fees and other costs.

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**About – David Lichter** is a partner at the law firm of Higer Lichter & Givner. His practice areas are devoted to the litigation, arbitration, and mediation of business disputes. He is engaged regularly by both plaintiffs and defendants, litigates cases throughout Florida, and mediates cases throughout the United States and Puerto Rico. He is A/V rated by Martindale-Hubbell®, the highest available rating, and is included in the 2010 edition of The Best Lawyers in America, the 2009 Florida Trend Magazine's Legal Elite, and the 2010 edition of Florida Super Lawyers. He is also a member of the Commercial Panel of Arbitrators and is a mediator for the American Arbitration Association (AAA). For more information, please visit [www.HLGlawyers.com](http://www.HLGlawyers.com).