

Aspen Fitness Sanctioned in 5-Hour Energy IP Row (Law 360)

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Miller Canfield attorneys won an important victory for client Innovation Ventures, LLC in its trade secret fight against Aspen Fitness Products, Inc., alleging that Aspen stole product formulas for its 5-Hour Energy products. Tom Cranmer, Mike Palizzi, Kimberly Scott, Caroline Giordano, Dawn Kraft and James Angyan were all involved in protecting Innovation Ventures' IP rights.

Via Law 360:

"A Michigan federal judge on Monday granted sanctions against Aspen Fitness Products Inc., ordering it to produce a slew of documents related to the On Go energy product in a suit filed by the maker of 5-Hour Energy alleging Aspen stole its trade secrets.

Magistrate Judge R. Steven Whalen granted in part a motion for sanctions brought by Innovation Ventures LLC, which alleges Aspen stole product formulas from one of its former employees. Judge Whalen said it was too soon to enter a default judgment against Aspen and its owner Derrick E. George, but warned that he might do so if they don't comply with the discovery order.

He told the defendants to produce documents related to the distribution of On Go Energy — a product similar to 5-Hour Energy — including sales reports, tax records, profit and loss statements, computer hard drives and other memoranda relating to the product's formula, and to pay Innovation's attorneys fees."