

## Wolfgang Puck Files Suit against New Restaurant for Trademark Infringement

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### Seeks Injunction in Light of Widespread Public Confusion over Name

World-renowned chef and restaurateur Wolfgang Puck filed a trademark infringement and unfair competition suit today in Los Angeles Superior Court against the owners and operators of 'WOLFGANG'S STEAKHOUSE BY WOLFGANG ZWIENER.'

According to the lawsuit, the opening and promotion of the new restaurant has created confusion in the public's mind regarding the affiliation of 'WOLFGANG'S STEAKHOUSE' and Wolfgang Puck. Zwiener's property is strategically located on North Canon Drive in Beverly Hills on the same street as Wolfgang Puck's flagship restaurant Spago and within blocks of Wolfgang Puck's own award-winning steakhouse CUT. By also prominently featuring the name 'Wolfgang's STEAKHOUSE,' and minimizing the tag-line 'BY WOLFGANG ZWIENER,' the lawsuit alleges that the owners and operators of 'WOLFGANG'S STEAKHOUSE BY WOLFGANG ZWIENER' (one of whom is affiliated with a company whose license to use the Spago trademark in Japan ended in 2005 and Wolfgang Puck chose not to renew) are brazenly seeking to take unfair advantage of the reputation and enormous good will developed over the last 32 years by Wolfgang Puck and the Wolfgang Puck brand.

In addition, the suit alleges that Mr. Zwiener has violated a 2007 agreement whereby it was agreed that if Zwiener opened a restaurant outside of Manhattan he would use his full name 'Wolfgang Zwiener' in a manner which would eliminate confusion regarding any affiliation between 'WOLFGANG'S STEAKHOUSE' and Wolfgang Puck.

After six years as co-owner of the famous West Hollywood restaurant Ma Maison, Wolfgang left to open Spago in 1982 on the Sunset Strip in Los Angeles, eventually relocating it to North Canon Drive in Beverly Hills in 1997. Additionally, Wolfgang Puck has established 17 fine dining restaurants in Las Vegas, Atlantic City, Beaver Creek, Detroit, Maui, San Francisco, Orlando, Washington, DC and Minneapolis.

Tom Kaplan, senior managing partner of the Wolfgang Puck Fine Dining Group stated, 'Wolfgang Puck has developed a legendary name and reputation known for bold, innovative cooking and presenting dishes with panache and passion. He is a household name throughout the country, particularly in the Beverly Hills and Los Angeles communities, with a wide-reach and high-visibility in the celebrity, entertainment, business and political worlds. Overseeing three distinct and highly successful companies, Wolfgang Puck Fine Dining Group, Wolfgang Puck Catering and Wolfgang Puck Worldwide, Inc., Wolfgang has worked tirelessly and spent many millions of dollars in developing, nurturing and promoting the Wolfgang Puck brand throughout the United States.'

'In addition to authoring cookbooks, regularly appearing on television, writing a weekly syndicated newspaper column, and traveling to make personal appearances nationally throughout each year, Wolfgang remains first and foremost an extraordinary chef. This is reflected by his receipt of the 2008 Chef of the Year Award from the prestigious Culinary Institute of America, as well as many other awards and accolades including multiple James Beard Foundation awards,' continued Kaplan.

The suit notes that in recognition of what Los Angeles has meant to him, Puck is involved in many philanthropic endeavors and charitable organizations including the Puck-Lazaroff Charitable Foundation. It manages and supports the annual American Wine & Food Festival benefiting Los Angeles chapters of Meals on Wheels. The Foundation has raised more than thirteen million dollars since 1982 for these organizations.

'People have come to me and asked why I was opening another steakhouse in Beverly Hills and whether I am going to close CUT,' noted Puck. 'I tell them the new steakhouse has nothing to do with me and they stare in disbelief. The most common reaction is 'It says 'Wolfgang's Steakhouse and you are Wolfgang,' continued Puck adding, 'In over thirty-two years, I have never encountered such confusion expressed by my patrons and in the media. My friends have repeatedly urged that I take the steps necessary to correct the ongoing misleading impression. All of this would have been avoided had Mr. Zwiener paid more than lip-service to our 2007 agreement and actually tried to avoid confusion.'

The Complaint seeks an injunction to stop the infringement of the Wolfgang Puck Mark and to eliminate the source of the ongoing confusion and unfair competition, the recovery of damages incurred by Wolfgang Puck, including treble damages for false advertising, the rescission and cancellation of the 2007 agreement, an accounting and restitution of ill-gotten profits realized by the owners and operators of Mr. Zwiener's restaurant, reimbursement of attorneys fees and related relief.

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