

7/18/19 REUTERS LEGAL 21:03:44

REUTERS LEGAL

Copyright (c) 2019 Thomson Reuters

July 18, 2019

Money manager tackles radio rival with trademark lawsuit over 'Financial Quarterback'

Dena Aubin

(Reuters) - New Jersey-based Jalinski Advisory Group, which offers financial services under the "Financial Quarterback" brand, has filed a trademark infringement lawsuit against Edelman Financial Engines, accusing it of unlawfully using the name to promote its own services.

Filed on Thursday in Manhattan federal court, the lawsuit said Edelman's infringement of the Financial Quarterback trademark has caused irreparable damage to Jalinski's business and goodwill and created confusion about whether the two firms are affiliated.

A spokesman for Edelman Financial Engines could not immediately be reached for comment. Founded by financial advisor Ric Edelman, the company is based in Sunnyvale, California and has more than 1.1 million clients, according to its website.

Jalinski's founder Josh Jalinski and Ric Edelman both broadcast radio programs featuring financial advice on weekends.

"Mr Edelman is one of Mr Jalinski's primary competitors, both on the radio and in the financial advisory business," Jalinski's lawyer Maurice Ross said in an interview on Thursday.

"We think Mr Edelman and his companies have willfully and purposefully used the trademark or variations on the trademark to confuse the public and divert business away from Jalinski Advisory Group," he said.

Naming both Edelman Financial Engines and Ric Edelman as defendants, the lawsuit alleges trademark infringement, unfair competition and trademark dilution under the federal Lanham Act and New York state law. It is seeking actual and punitive damages and an order barring future infringement of the "Financial Quarterback" trademark.

A financial advisory firm specializing in risk management, the Jalinski Advisory Group has provided advice and wealth management services under the Financial Quarterback brand name since 2006, according to its lawsuit. Josh Jalinski has hosted radio programs under the Financial Quarterback name since at least 2009, the complaint said.

Jalinski has targeted several firms with lawsuits over the use of the financial quarterback term over the years, including the Hamo Group, a Wells Fargo Advisors private client team in Flint, Michigan, Franklin Retirement Solutions in Pennsylvania and BJJL Wealth Management in New Jersey.

Jalinski's company has had a registered trademark for use of the "Financial Quarterback" term in financial planning and investment advisory services since April 2010, the lawsuit said. It has also acquired common law trademark rights for the term by using it in commerce since 2006, the lawsuit said.

Edelman has "unlawfully and repeatedly" used the Financial Quarterback trademark and confusingly similar phrases such as "personal financial quarterback" to offer services to its own clients, the complaint said. Ric Edelman and his company have used the term on their websites, in radio broadcasts and personal appearances and presentations, the lawsuit alleged.

The infringement has taken away Jalinski Advisory Group's control over its reputation, harmed its business and goodwill and unjustly enriched Edelman, the lawsuit alleged.

The case is Jalinski Advisory Group v. Edelman Financial Services et al, U.S. District Court, Southern District of New York, No. 19-6697.

For the plaintiff: Maurice Ross at Barton LLP

For the defendant: Not available

---- **Index References** ----

Company: EDELMAN FINANCIAL SERVICES LLC; STERIS GMBH

News Subject: (Business Lawsuits & Settlements (1BU19); Business Litigation (1BU04); Business Management (1BU42); Corporate Events (1CR05); Intellectual Property (1IN75); Legal (1LE33); Trademarks (1TR15))

Industry: (Financial Services (1FI37); Insurance (1IN97); Insurance Industry Legal Issues (1IN64); Insurance Products (1IN13); Intellectual Property Insurance (1IN22))

Region: (Americas (1AM92); New Jersey (1NE70); New York (1NE72); North America (1NO39); U.S. Mid-Atlantic Region (1MI18); USA (1US73))

Language: EN

Other Indexing: (Barton LLP; Jalinski Advisory Group; WELLS FARGO ADVISORS) (Maurice Ross; Josh Jalinski)

Keywords: ip; fedlit (OCC:OLRTXT); (N2:US)Keywords:

Word Count: 502

---

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.