



For Immediate Release – August 19, 2026
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Jursinski & Murphy Law Wins \$43M **Federal Jury Trial Over Marco Island Trademark Dispute**

Lee County, FL – [The Law Office of Jursinski and Murphy](#) is proud to announce that [Attorney Kara Murphy](#) earned a massive jury win in Federal Court regarding a \$43 Million trademark dispute with Marco Beach Ocean Resort in Marco Island, Florida.

Murphy, co-counseling with Intellectual Property Attorney and lead counsel Woodrow “Woody” Pollack of Shutts & Bowen of Tampa, defended JMLaw longstanding client, Thomas A. Drummond, and his affiliated entities, in the week-long federal trial in Fort Myers. With deliberations lasting just over an hour, the jury found favor of Drummond.

The jury determined that Drummond did not infringe on the Marco Beach Ocean Resort’s alleged trademark rights. The developer argued that their name and crest were being used by Drummond as promotion of his rental units within the condominium development.

More notably, the jury determined that the evidence provided by Attorneys Murphy and Pollack, was convincing enough to find that the developer perpetrated fraud upon the United States Patent and Trademark Office by keeping and maintaining a federal trademark and crest design that was no longer valid. Therefore, the jury granted Drummond’s request to cancel the federal trademark from the developer.

“This was absolutely the right decision by the jury and a finding of fraud on the part of the developer. The clear and convincing evidence was overwhelming,” said Attorney Kara Murphy.

Legal Backstory:

Dating back to 2001, private condominium unit owners within the Marco Ocean Beach Resort, which included Drummond, were encouraged to employ the services of the condo developer to rent out their units as part of the resort’s “hotel program”. However, the hotel program ceased operations in 2022, as it was determined to no longer be financially “viable”. This forced individual unit owners to privately handle marketing and managing of their units. Most turned to the online rental marketplaces of VRBO and Airbnb for promotion. In doing so, it was critical for the building’s 103 condo unit owners to identify their rentals within the building by using its name: “Marco Beach Ocean Resort”.

However, the condo developer sued Drummond for \$43M and claimed the marketing, of his privately owned rental units, infringed on their alleged trademarked name “Marco Beach Ocean Resort”, as well as a trademark of the crest on the exterior of the building.

Attorneys Murphy and Pollock first argued that providing the location and name and likeness of the condominium development, in which the units were located, is paramount to enticing and informing potential renters.

Furthermore, according to the U.S. Patent and Trademark Department, federal trademarks may only remain in effect if the product or service, under said trademark, is in continuous use.

Attorneys Murphy and Pollock argued that since the developer's hotel program ceased operation in 2022, the developer was fraudulently maintaining its federal trademark registration when it applied for its renewal in 2024. Therefore, the Plaintiff's lawsuit claiming trademark infringement was invalid as the crest trademark had not only been abandoned, but the renewal of the trademark was done fraudulently.

Attorneys Murphy and Pollock were able to prove that the trademark was no longer in effect and the jury agreed. The court took the further step to determine that the developer must lose its trademark based on fraud.

"I am extremely proud of the efforts of our legal team," said Murphy. "In the end, as in all good stories, the truth prevailed."

Attorney Kara Murphy is a Partner at the Law Office of Jursinski & Murphy. She is Florida Bar Board Certified in Real Estate Law and has her LL.M. in Real Estate Development. The Law Office of Jursinski & Murphy, located in Fort Myers, Florida, has been in practice since 1981 and has a deeply-rooted track record of success in protecting its clients' interests. Visit www.JMLawFL.com for more information about the Law Office of Jursinski & Murphy.