



PARTNER

# G. Henry Welles

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📍 Indian Wells



Henry Welles practices civil litigation with an emphasis on trusts and estates, intellectual property, general business and real estate. He represents private companies, corporate and private fiduciaries and individuals. Henry is a partner in Best Best & Krieger LLP's Indian Wells office and heads the firm's Intellectual Property practice group.

## Trusts and Estates

Henry represents clients in California-based trust and estate matters, including extensive experience in will and trust contest litigation, financial elder abuse litigation, physical elder abuse litigation, fiduciary litigation, conservatorships, probate administration, and trust administration and accountings.

Representative Matters:

- *In Re The W. Kenneth Jones Testamentary Trust*, Case No. PSP 1300082 (2013). Petition by trust beneficiaries to remove and surcharge trustee of a testamentary trust for breach of fiduciary duty. Judgment in the amount of \$280,000 in damages and interest and \$50,000 in attorneys' fees awarded. Affirmed on appeal. Riverside Superior Court, Desert Judicial District.
- *In Re The Nicholas M. Dibari Living Trust Dated 4/12/1994*, Case No. PSP 1200513 (2013). Trust contest brought by the daughter of the decedent contesting the validity of a trust benefiting the surviving spouse. The petitioner alleged lack of

## CORE PRACTICES

Business  
Business Litigation  
Intellectual Property  
Trusts & Estates

## EDUCATION & ADMISSIONS

### Education

Washington University School of Law, J.D.  
Bucknell University, B.A.

### Bar Admissions

California

capacity and undue influence. The case settled favorably on the first day of trial. Riverside Superior Court, Desert Judicial District.

- *Bernice T. Gates v. Robert A. Gates, et al.*, Case No. INC 1109177 (2013). Complaint for intentional interference with inheritance expectancy brought by the surviving spouse. Cross-complaint for financial elder abuse brought by the sons of the decedent. The matter settled favorably on December 12, 2013. Riverside Superior Court, Desert Judicial District.
- *In Re: The Taylor Living Trust Dated 12/5/2006*, Case No. INP 022418 (2012). Trust contest brought by the daughter of the decedent contesting the validity of a trust and IRA beneficiary designations benefitting the surviving spouse. The petitioner sought to recover monies for the benefit of a prior executed trust, of which she was the beneficiary, pursuant to Cal. Prob. Code § 850. The matter settled favorably on October 3, 2012 in mediation. Riverside Superior Court, Desert Judicial District.
- *Conservatorship of Ross*, Case No. INP 021965 (2010). Petition for substituted judgment seeking to change dispositive provisions of a trust with \$30 million in assets and seeking to remove and replace the trustees. Related petition for elder abuse alleging some of the beneficiaries took monies and unduly influenced the trustor. Favorable settlement. Riverside Superior Court, Desert Judicial District.
- *In Re: The Eisenberg Living Trust*, Case No. 019767 (2006). Petition contesting disinheritance by trust amendment and claiming the trust was funded by an effective disclaimer under I.R.S. Code § 2518. Argued there was no evidence of any effective disclaimer under I.R.S. Code § 2518 and prevailed on summary judgment. Affirmed on appeal at *Pine v. Caranci*, 2008 Cal. App. Unpub. LEXIS 9475.

## LANGUAGES

English

### Intellectual Property

Henry's intellectual property practice involves litigation of trademark, copyright, patent infringement, unfair competition, trade secret and software disputes. His practice also includes the protection of intellectual property, including trademark registration, trade secret protection, Internet issues, intellectual property licensing, contracts involving intellectual property and copyright protection issues. He represents private businesses, municipalities and special districts.

### Representative Matters:

- **Trademark Infringement:** Represented Ernie Ball in a complaint for trademark infringement and unfair competition in the U.S. District Court for the Central District of California. The defendant was making counterfeit guitars in Texas and selling them nationwide. In October 2016, obtained favorable settlement resulting in surrender of counterfeit products. *Ernie Ball, Inc., v. Thin The Herd Guitars*, Case No. 5:16-cv-01237
- **Copyright Infringement:** On behalf of Natural Fashions, obtained a judgment from the U.S. District Court for the Eastern District of California against BOK that prohibits it from selling the infringing products, and orders it to provide Natural Fashions with an inventory of all its infringing products, recall them from distributors and retailers, and hand them over to Natural Fashions for destruction. BOK must also pay more than \$105,000 in damages and costs. The matter is on appeal before the U.S. Ninth Circuit Court of Appeals. *Natural Fashions, Inc. v. Best of Kashmir*, Case No. 2:15-cv-00033-MCE-CMK

- Patent Infringement: Represented Ernie Ball in a complaint for patent infringement in the U.S. District Court for the Central District of California. At issue were patents related to devices to improve tuning of guitars and claims of unfair competition. A motion to dismiss the complaint under both FRCP 12(b)(6) and the California anti-SLAPP law was granted in its entirety. Judgment of dismissal without leave to amend was entered, and defendant Ernie Ball was awarded attorneys' fees sought under the anti-SLAPP law. The decision was appealed to the Court of Appeal for the Federal Circuit and affirmed. *Earvana LLC v. Ernie Ball, Inc., et al.*, Case No. 2:14-cv-02302-R(Ex)

Henry was named one of the Top 75 Intellectual Property Litigators in California for 2010 by the *Daily Journal* after prevailing in the U.S. Court of Appeals for the Federal Circuit in a patent infringement lawsuit related to stringed instrument tuning devices. He is admitted to the U.S. District Court for the Central, Southern and Eastern districts of California and the Ninth U.S. Circuit Court of Appeals.

### Accolades

- *Palm Springs Life* Top Lawyers, 2017-2021
- Top 70 Lawyers in Coachella Valley, *Palm Springs Life*, 2014, 2016
- Top 75 Intellectual Property Litigator in California, *Daily Journal*, 2010

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### Thought Leadership

#### Presentations

- "Financial Elder Abuse (Civil): The Basics," Trust and Estates Section of the California Lawyers Association Financial Elder Abuse Symposium, April 20, 2018
- "Financial Elder Abuse (Civil): View from the Bench: Case Study," Trust and Estates Section of the California Lawyers Association Financial Elder Abuse Symposium, April 20, 2018