

LAW BRIEFS

Boca radiologist settles Medicare case for \$7 million

A Boca Raton radiologist has agreed to pay \$7 million to settle a civil fraud case for falsely billing CT scans and ultrasounds to physicians and Medicare, the U.S. attorney's office in Miami announced Monday.

Dr. Fred Steinberg, his imaging centers and related businesses in Palm Beach County billed for scans with and without dye but never performed scans without dye, the Justice Department claimed.

The government also alleged Steinberg's companies billed for CT scans and ultrasound exams that were not necessary, ordered or performed.

A whistle-blower sparked the investigation under the False Claims Act, which allows individuals to bring fraud actions on behalf of the federal government and collect a share of any settlement.

Dr. David Clayman, a former employee of one of Steinberg's practice groups, will col-

lect \$1.7 million as the whistle-blower under the settlement.

"This settlement is among the largest recoveries ever for Medicare fraud against a single physician and his practice," said Peter W. Chatfield, a Washington attorney with Phillips & Cohen, which represents Clayman.

"It took a lot of guts for Dr. Clayman to risk his professional career to pursue this case," Chatfield said.

U.S. companies retain trademarks on Internet from foreign companies

Foreign companies do not have the right to usurp the name of U.S. companies on the Internet, a Fort Lauderdale federal judge concluded in a trademark infringement case.

U.S. District Judge James I. Cohn awarded Fort Lauderdale-based Punch Clock \$1.2 million in its lawsuit against competitor Smart Software Development of Alberta, Canada.

Time Clock sold its timekeeping software to employers to track work hours through its Web site www.punchclock.com. It sued when Smart Software started peddling a similar product through a Web site using the same name with a hyphen between punch- and clock.

Smart Software said it was not subject to U.S. cybersquatting and trademark laws because it was based in Canada. Cohn disagreed in a default judgment April 4.

"This should serve as a lesson for business owners who operate outside the U.S. but sell goods or services to U.S. customers," said Time Clock attorney **Robert C. Kain**, a partner with Fliet Kain Gibbons Gutman Bongini & Bianco in Fort Lauderdale.

"You can't sell products to U.S. customers and commercially benefit from our laws while at the same time infringe another's legitimate U.S. trademark rights and then when convenient hide behind a foreign border," he said. ■



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