



THE
CHICAGO
BAR
ASSOCIATION

AI Fluency for Lawyers

Charles Elliott
Joel Pingel



The Two Lawyers in 2027





What This Session Is (and Isn't)



Quick Glossary

LLM (Large Language Model) – Gemini is one

Prompt – your instruction

Context window – how much it can "read at once"

Hallucination – confidently wrong output

Grounding – tying answers to verified sources

RAG (Retrieval-Augmented Generation)

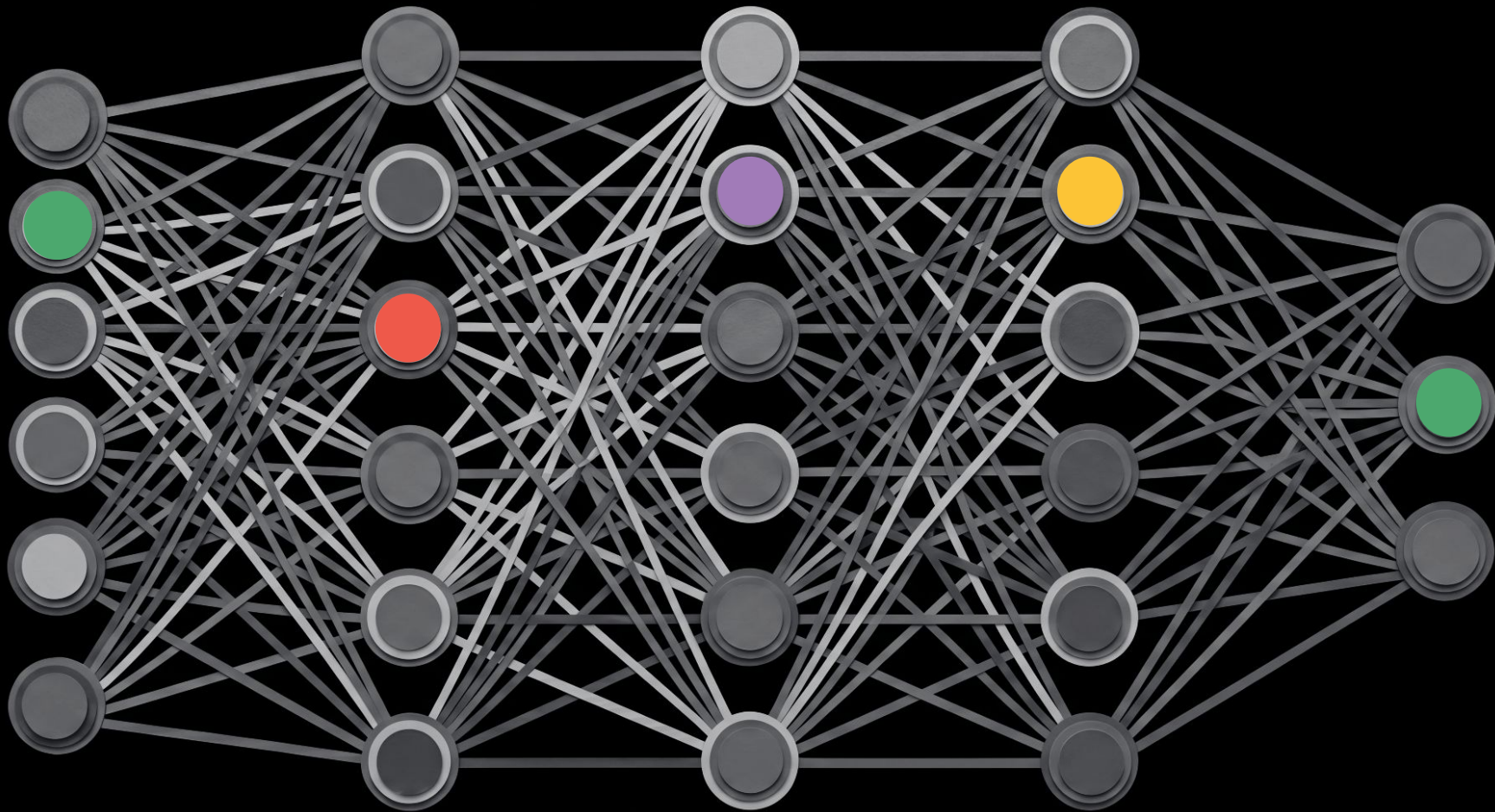
Agent – AI that takes actions, not just answers

Keep it light: "You don't need to know how the engine works to drive the car — but you should know what the warning lights mean."



It predicts likely text

it doesn't "know" facts





The Three **Failure Modes** You Must Recognize



Hallucination



Context Collapse



Confident Ambiguity



Hallucinations

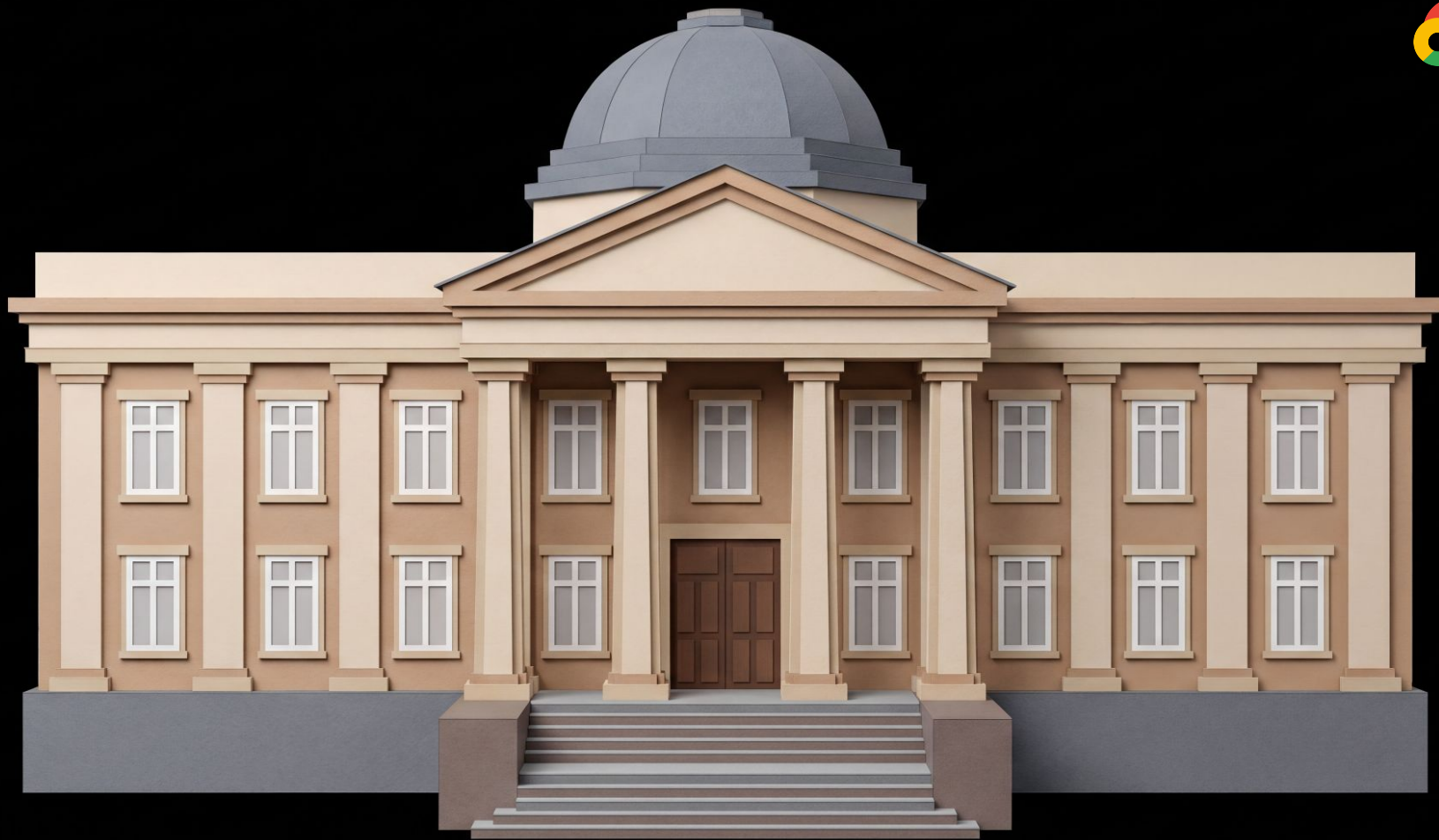
Feature
or
Bug?





Real World Example

Approval to present existing case due 5/7



Mondelez International, Inc. v. Aldi Inc.



Trade dress dispute



Oreo, Chips Ahoy, Wheat Thins, and Nutter Butter are a registered trademark of Mondelez International, Inc. Use of these names are for illustrative purposes only and does not imply endorsement.

Complaint (RS
Clean
5_27_25)...

+ Ask Gemini Fast 

0.



Case: 1:25-cv-05905 Document #: 1 Filed: 05/27/25 Page 1 of 36 PageID #:1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

MONDELÉZ INTERNATIONAL, INC., a
Virginia corporation and
INTERCONTINENTAL GREAT BRANDS
LLC, a Delaware corporation,

Plaintiffs,

v.

ALDI, INC., an Illinois corporation,

Defendant.

No.

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

Plaintiffs Mondelēz International, Inc. and its intellectual property holding company and subsidiary Intercontinental Great Brands LLC (collectively “Mondelēz”) hereby allege as follows:

NATURE OF THE ACTION

1. This is a Complaint for damages and injunctive relief arising from Defendant Aldi, Inc.’s (“Defendant” or “Aldi”) use of private label product packaging that blatantly copies and trades upon the valuable reputation and goodwill Mondelēz has developed in its longstanding, highly distinctive, and well-known trade dress for numerous of its cookie and cracker snack products. Defendant has a pattern and practice of engaging in the unlawful behavior underlying Mondelēz’s claims. Defendant’s actions are likely to deceive and confuse consumers and dilute the distinctive quality of Mondelēz’s unique product packaging, and if not stopped, threaten to irreparably harm Mondelēz and its valuable brands. Mondelēz seeks damages and injunctive relief from Defendant — will infringe trademark, trade dress infringement, unfair competition, unjust enrichment and dilution under federal and state




1

~~~~~

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

### NATURE OF THE ACTION

Relief Page 1 of 36 Defendant's will

# Mondelez International, Inc. v. Aldi Inc.



Case: 1:25-cv-05905 Document #: 14 Filed: 11/14/25 Page 6 of 59 PageID #:99

contacted Defendant about copycats of Mondelez's OREO® cookie design. TEDDY GRAHAM'S® cookies, BELVITA® biscuits, TATE'S BAKE SHOP cookies, and TRISCUIT® crackers. Defendant discontinued and/or changed certain of these infringing products in response to Mondelez's objections. However, Defendant has continued its pattern and practice of selling products in packaging which infringes the trade dress of numerous Mondelez products. Specifically, as to the products in suit in this action (shown below), Defendant has ignored Mondelez's reasonable requests, leaving Mondelez no choice but to bring this trademark and trade dress infringement, dilution, unfair competition and unjust enrichment action. Defendant's willful infringement must be stopped, and Mondelez is entitled to recover the significant damages it has suffered.

| Mondelez Trade Dress                                                              | Infringing Aldi Trade Dress                                                       |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|  |  |
|  |  |
|  |  |
|  |  |

318228615v2

6

Case: 1:25-cv-05905 Document #: 14 Filed: 11/14/25 Page 7 of 59 PageID #:100



## ANSWER:

Aldi admits that it sells cracker and cookie products under its own Aldi-exclusive brands, including BENTON'S®, SAVORIZITZ™, and other brands, and has sold the products as depicted in Paragraph 9 for years. Aldi further admits that it has used the colors red, blue, yellow, white, and combinations thereof, images of milk with cookies, cheese on crackers, soup being served with crackers, depictions of peanuts with peanut butter crème cookies, wheat with wheat crackers, as well as other commonly used fonts, colors, design elements and/or aesthetically functional other aspects of its packaging for many years without receiving any objection from Mondelez. Aldi further admits that in the past, Mondelez contacted Aldi in confidence and expressed concerns regarding the packaging design of certain Aldi-exclusive products. Aldi

318228615v2

7

Gemini

Tools

Plan

</>

PDF

Web

Case: 1:25-cv-05905 Document #: 14 Filed: 11/14/25 Page 12 of 59 PageID #:105



**Color Distance Mathematics:**  
RGB Euclidean Distance: 25.58  
CIE76 Delta E ( $\Delta E$ ): 15.28

Documents sourced from  
[COURTLISTER](#) and [PACER](#)



# Gemini's Response

Here is the multi-step verification and quantitative analysis of the Mondelēz vs. Aldi trade dress exhibits, structured for litigation strategy and verifiable against the source document.

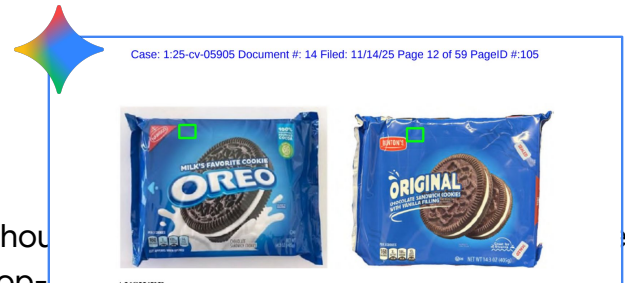
## 1. Document Processing & Discovery

- Target Exhibit Location: The comparative photographic exhibits for the Mondelēz 'OREO' packaging and the infringing Aldi 'BENTON'S ORIGINAL' Chocolate Sandwich Cookies are located on PDF Page 12 (Document Page ID #:105).
- Supporting Text/Paragraphs: The exhibit is introduced on PDF Page 11, Paragraph 20, which alleges Aldi is "selling private label packaged cookie sandwiches using packaging that blatantly copies the distinctive and iconic elements." The description of the specific packaging elements (including the "predominantly blue background") continues on PDF Page 12, Paragraph 21.

## 2. Visual Targeting & Bounding Box Verification

Based on the text layout in the exhibit:

- Left Image (Mondelēz OREO): To isolate the primary background without the Oreo cookie imagery, a bounding box was targeted at the solid blue void on the top-left section of the packaging.
  - Bounding Box Coordinates: Y: 270 to 310, X: 400 to 450







# Case Study #2: A Long-Document Problem



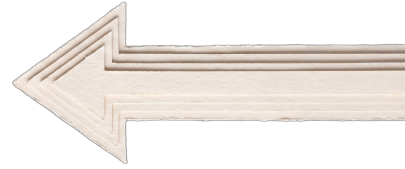
# When In-Context Learning Works

## **Best for:**

- A single contract or brief
- An entire docket history of a single matter
- Drafting tasks with provided examples



# Retrieval Augmented Generation





# When You Need RAG (Retrieval-Augmented Generation)

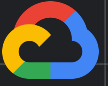
## Best for:

- Querying across millions of documents
- Firm-wide knowledge bases
- Continuously updated regulatory corpora





# Case Study #3: Discovery at Scale



# The Practical Playbook



# The AI Fluency Maturity Model

**01**

## **Assistant**

Drafting,  
summarizing,  
and  
brainstorming  
tasks.

**02**

## **Researcher**

Document  
review and  
grounded  
Q&A sessions.

**03**

## **Analyst**

Cross-docum  
ent synthesis  
and  
multimodal  
reasoning.

**04**

## **Agent**

Multi-step  
autonomous  
workflows and  
execution.

# The Anatomy of a Great Legal Prompt



|                      |                                         |
|----------------------|-----------------------------------------|
| <b>R</b> ole         | You are a senior IP litigator...        |
| <b>A</b> udience     | explaining to a junior associate        |
| <b>C</b> ontext      | the facts/documents                     |
| <b>E</b> xpectations | [format, length, what to avoid]         |
| <b>S</b> ource       | “cite only from the attached documents” |

**Role:** You are a Senior IP Partner at a premier litigation firm specializing in Lanham Act trade dress and "look-alike" private label disputes.

**Audience:** You are briefing a junior associate who is preparing a discovery plan and a motion for a preliminary injunction.

**Context:** We are representing the Plaintiffs in *Mondelēz v. Aldi* (Case No. 1:25-cv-05905). While the visual comparisons on Page 12 of the PDF show a clear "blue-on-blue" similarity, we need to determine if the OREO Trade Dress has sufficient "secondary meaning" and "strength of mark" to overcome Aldi's affirmative defense of "industry acquiescence" found on Page 56 of their Answer.

**Expectations:**

1. **Evidentiary Summary:** From the [attached PDF](#), list the exact elements Mondelēz defines as its "inherently distinctive" trade dress (referencing Paragraph 14) and the specific "marketing spend" figures they are using to claim secondary meaning (referencing Paragraph 17).
2. **Market Context (Google Search):** Execute a search to identify current "private label" or "generic" chocolate sandwich cookies currently on the shelves of major US retailers (e.g., Walmart's 'Great Value', Target's 'Favorite Day', or Kroger). Compare their packaging color schemes to the OREO blue.
3. **Vulnerability Assessment:** Based on that search, identify if any other major retailers are using a similar royal blue/white splash combination. If they are, analyze how this impacts our ability to argue that the OREO trade dress is "exclusive" and "distinctive" under the Polaroid factors.
4. **Format:** Present this as a formal litigation memo with a "Strengths" vs. "Threats" section.

**Source Grounding:**

For the definition of the mark and the Plaintiffs' allegations, cite strictly from the [provided PDF](#) using page and paragraph numbers.

For the competitive landscape and industry standards, use [Google Search](#) to provide real-time market data.



Document tabs



Tab 1



1. Evidentiary Summary: ...
2. Market Context: Comp...
3. Vulnerability Assessme...
4. Next Steps for the Disc...

## MEMORANDUM

**TO:** Junior Associate

**FROM:** Senior IP Partner

**DATE:** May 8, 2026

**RE:** Discovery Plan and Preliminary Injunction Assessment: *Mondelēz v. Aldi* (Case No. 1:25-cv-05905)

### 1. Evidentiary Summary: OREO Trade Dress and Secondary Meaning

To succeed on our Preliminary Injunction (PI) motion, we must strictly ground our arguments in the defined OREO Trade Dress and the evidence of secondary meaning specifically pled in our Complaint.

**Elements of the "Inherently Distinctive" OREO Trade Dress:** According to the Complaint, Mondelēz defines the OREO Trade Dress through the following combination of elements (Page 9, Paragraph 14 and Page 10, Paragraph 14(f)):

- a. "A prominent cookie consisting of a white filling sandwiched between two black b biscuits marked with a distinctive embossment of ridges forming a rim along the circumference, which is slightly titled to the right."
- b. "A predominantly blue background with a lighter blue halo around the cookie;"
- c. "A white milk splash design;"
- d. "A thick, sans-serif white font designating the product name, which is in a curved shape and all capital letters outlined in blue, that begins with the letters 'OR' and partially covers the cookie;"
- e. "A small, thick sans-serif white font for verbiage near the product name;"
- f. "A logo in white letters, surrounded by a thin white shape, and enclosed in a red background in the upper left corner."

**Marketing Spend and Sales Figures (Secondary Meaning):** To establish the "strength of the mark" and secondary meaning, we will rely on the substantial commercial metrics set forth in the Complaint (Page 10, Paragraph 17):

- Marketing Spend:** Mondelēz has spent "hundreds of millions of dollars in the last five years alone in connection with ad" promoting its goods featuring the OREO Trade Dress in the United States market."



## Sources

[+ Add sources](#)

Search the web for new sources



Select all



10-1.pdf



10.pdf



28-1.pdf



28.pdf



30-1.pdf



30.pdf



37-1.pdf



37-2.pdf



37.pdf



Aldi's Answer to Plaintiff's Comp...



## Chat

[Customize](#)

## Mondelez v. Aldi: Trade Dress Infringement Litigation Records

45 sources · May 8, 2026

Start typing...

45 sources



## Studio



Audio Overview



BETA

Slide Deck



Video Overview



Mind Map



Reports



Flashcards



Quiz



BETA

Infographic



Data Table



Generating Data Table...

based on 45 sources



Generating Audio Overview...

Come back in a few minutes



Generating Report...

based on 45 sources



Generating Infographic...

based on

Add note

# Mondelēz v. Aldi: The Battle of the Snack Brands

Based on 45 sources



### MONDELÉZ VS ALDI

#### The Battle of the Snack Aisle: Mondelēz vs. Aldi Trade Dress Dispute

Case No. 1:25-cv-05005 United States District Court, Northern District of Illinois

**WHAT IS "TRADE DRESS"?**  
The visual appearance of a product or its packaging (colors, shapes, graphics) that signifies the source of the product to consumers.

**7 ICONIC BRANDS TARGETED**

**THE LEGAL TUG-OF-WAR**

**MONDELÉZ'S STANCE: WILLFUL INFRINGEMENT**  
Claims Aldi has a "pattern and practice" of copying packaging to "steal the goodwill" of brands that have sold hundreds of millions of packages over decades.

**"Blatantly copies and trades upon reputation"**  
- Mondelēz Complaint

| OREO | VS | ALDI |
|------|----|------|
|      |    |      |
|      |    |      |
|      |    |      |
|      |    |      |
|      |    |      |
|      |    |      |

**ALDI'S STANCE: INGREDIENTS & DEFENSES**  
Argues that colors like blue (for milk) or red (for savory) and images of ingredients (peanuts, wheat) are "functional" and necessary for the industry to communicate flavor.

**ALDI'S STANCE: FUNCTIONAL ELEMENTS & DEFENSES**

**THE "DISCOUNT" BUSINESS MODEL DEFENSE**  
Aldi argues its "like brands, only cheaper" model is well known, consumers shop for quality private labels, not national brands.

**LACHES & ACQUESCENCE**  
Aldi claims Mondelēz knew about designs for years (some over 15 years) and failed to take legal action, essentially waiving rights.

**PRIMARY CAUSES OF ACTION**

- Federal Trade Dress Infringement (15 U.S.C. §1125a)
- Federal Trademark Dilution
- Unfair Competition (Illinois Law)
- Ohio Common Law Dilution

**ONGOING DISCOVERY PHASE & TIMELINE**

**EARLY 2026: Fact Discovery in Progress**  
Parties are engaged in fact discovery.

**TRIAL ESTIMATE: ~7 DAYS**  
(if no settlement)  
Before Judge Jeremy C. Daniel and Magistrate Judge [Name]

## Sources > Source Discovery

### Mondelez v. Aldi

These selections detail the legal battle between Mondelez and Aldi over trade dress and copycat packaging design.

- Select all sources ☐
- What to know about the Mondelēz v. Aldi packaging fig... ☒  
You get a core analysis of the trademark and trade dress d...
  - Snack Wars: Mondelez Challenges Aldi's Packaging De... ☒  
You can examine how packaging strategies trigger infringe...
  - The Case of Copycat Cookies and Crackers: Mondelēz ... ☒  
You will understand the specific legal elements required fo...
  - battle could reshape privat... ☒  
pacts the broader private-la...
  - tute | JULY 16-17, 2026 | ... ☒  
e on recent trademark case ...
  - Judges Dismiss Claims A... ☐  
rison of specific snack pro...
  - Mondelēz Lawsuit: Lesson... ☐

Import

