

Posted on Thursday, 02.23.12

Court battle of rival SoBe restaurants named Chow ends, and the winner is...

BY CASEY FRANK AND JULIE K. BROWN
CFRANK@MIAMIHERALD.COM



After years of acrimony and four weeks of court testimony on the finer points of fine Chinese food, the Miami federal court battle between two high-end South Beach restaurants named Chow has been decided.

And the winner is...: Chow.

Both warring Chows, Philippe and Michael, insisted that they had emerged victorious after Thursday's verdict.



Michael Chow's camp said that his restaurant, Mr. Chow at 2201 Collins Ave., had prevailed in the lawsuit against Philippe Chow Restaurants and its financial backer, Stratis Morfogen. Michael Chow was awarded \$1 million in compensation for his claim that the other Chow had engaged in false advertising and unfair competition.

The million-dollar dent in the wallet notwithstanding, Morfogen said he and Philippe Chow celebrated the outcome with champagne.

"It's a win and we will take it and fight that small charge of false advertising," said Morfogen, adding that they prevailed on all but one count brought against them.

"It's like being tried for murder and being convicted of jaywalking. We are happy that justice prevailed."

Basically, Michael charged that Philippe, who worked in Michael Chow's kitchen before changing his name from Chak Yam Chau and opening his Philippe by Philippe Chow restaurant chain, stole Michael's menu, recipes and swanky style. Then, it was alleged, he ran deceptive advertising aimed at confusing customers about which restaurant was which. Michael Chow asked for more than \$20 million in damages, a sum that would have essentially bankrupted his onetime employee.

Philippe Chow, claiming he was the creative talent behind Michael Chow's franchise, countersued for defamation, but that suit was rejected.

Morfogen, a one-time customer of Michael Chow's, said Philippe Chow didn't steal anything from his former boss.

"These are dishes that have belonged to the Chinese people for 3,000 years," Morfogen said.

One of Michael Chow's attorneys, Curtis Miner, said that being found liable for false advertising and unfair competition isn't anything to be proud of.

"That's like being charged with murder and getting off on manslaughter," Miner said, putting his own spin on Morfogen's analogy.

He added that the jury clearly understood that Philippe Chow had ripped off his former boss, and as evidence pointed to the \$1 million his client was awarded — \$500,000 of which is to come not from Philippe Chow but from Morfogen.

"I am extremely pleased with the verdict and thankful that the truth is finally emerging concerning the false advertising and unfair business tactics of Morfogen and the Philippe Chow Restaurants," Michael Chow said.

But, according to Philippe Chow's lawyer, Anthony Accetta, the real key as far as Philippe was concerned is that he can keep running his restaurants, including the one at 36 Ocean Dr., and continue selling the same food as before under the same name.

As for the advertising matter, Accetta and Morfogen blamed that on Google, which sold Philippe certain search words that linked web users to his website.

"They said we didn't violate any trademark," Morfogen said of the jury. "We didn't steal anything."

And so, the SoBe battle of the Chows will shift back from the courtroom to the culinary arena.

<http://www.miamiherald.com/2012/02/23/2656898/court-battle-of-rival-sobe-restaurants.html>