

ESTTA Tracking number: **ESTTA966188**

Filing date: **04/10/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91242788
Party	Plaintiff Abercrombie & Fitch Trading Co.
Correspondence Address	MARCUS D PETERSON COOLEY LLP 1299 PENNSYLVANIA AVENUE NW SUITE 700 WASHINGTON, DC 20004 UNITED STATES trademarks@cooley.com, bghajar@cooley.com, mpeterson@cooley.com, eyu@cooley.com 310-883-6400
Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Marcus Peterson
Filer's email	mpeterson@cooley.com, bghajar@cooley.com, jalvarez@cooley.com, trademarks@cooley.com
Signature	/s/ Marcus Peterson
Date	04/10/2019
Attachments	Abercrombie - Motion to Compel.pdf(781063 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial Nos. 87/367,487 and 87/355,854  
For the Trademarks RUEHL NO.925 in Class 18 and RUEHL NO.925 in Class 25  
Published in the Official Gazette on April 3, 2018

ABERCROMBIE & FITCH TRADING CO.	)	
	)	
Opposer,	)	
	)	Opposition No. 91242788
v.	)	
	)	
JMM LEE PROPERTIES, LLC	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S MOTION TO COMPEL AND MOTION TO TEST THE SUFFICIENCY  
OF APPLICANT’S RESPONSES TO CERTAIN REQUESTS FOR ADMISSION**

JMM Lee Properties, LLC (“Applicant”) is a California-based company that attempts to capitalize on the goodwill and value of brands that – based on Applicant’s judgment – have not been used by their owners for more than three years. In this case, Applicant filed intent-to-use applications to register Opposer Abercrombie & Fitch Trading Company’s (“Abercrombie”) RUEHL NO. 925 trademarks in connection with apparel and accessories. Abercrombie has opposed Applicant’s applications on several grounds, including under Section 2(d).

Abercrombie served written discovery on Applicant, including discovery regarding Applicant’s activities (actual or planned) regarding the display, marketing, sale, or license of good bearing the copycat RUEHL NO. 925 mark. Abercrombie hereby moves pursuant to Fed. R. Civ. P. 37, 37 C.F.R. § 2.120(e) and T.B.M.P. § 523 and §524 for an Order:

- 1) Compelling Applicant to supplement its inadequate response to Interrogatory No. 6;
- and
- 2) Deeming admitted Requests for Admission Nos. 25 and 26.

Counsel for Abercrombie and JMM Lee's Mr. Lee met and conferred telephonically on March 29, and engaged in subsequent email correspondence. Applicant refused to properly supplement these responses – necessitating this motion.

### **Lateness of Applicant's Responses and Waiver of Any Objections**

Abercrombie served the discovery requests at issue on December 12, 2018. Declaration of Marcus Peterson in Support of Motion to Compel and Motion to Test the Sufficiency of Applicant's Responses to Certain Requests for Admission ("Peterson Decl.") at ¶2. Applicant's responses were due January 11 per TBMP §403.03. Abercrombie granted a 30-day extension to Applicant, making the responses due February 10, which was a Sunday, making responses due February 11. Peterson Decl. at ¶3. In a February 12 phone call, Abercrombie's counsel advised Applicant that its responses were late, and its objections waived. Applicant then served the responses, including those at issue in this motion, on February 13. *Id.* at ¶5.<sup>1</sup>

Due to its failure to timely serve objections, Applicant has waived its right to object to the Interrogatories on their merits, and Applicant's objections must be deemed waived. Under TBMP §403:

A party which fails to respond to interrogatories during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, on motion to compel filed by the propounding party, to have forfeited its right to object to the interrogatories on their merits. Objections going to the merits of an interrogatory or other discovery request include claims that the information sought by the request is irrelevant, overly broad, unduly vague and ambiguous, burdensome and oppressive, or not likely to lead to the discovery of admissible evidence.

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<sup>1</sup> On Saturday, February 9, Applicant noted that Abercrombie's Requests for Production of Documents contained a numbering error and requested that Abercrombie send a new version of the Requests, which Abercrombie did the next business day, Monday, February 11. *Id.* at ¶4. Applicant did not note any issues with the Interrogatories or Requests for Admission, and did not request a further extension of time to respond to the discovery requests. *Id.*

Likewise, Applicant's responses and objections to Abercrombie's First Set of Requests for Admission (RFA) were untimely. Peterson Decl. at ¶5. Those RFAs are deemed admitted by operation of law. *See* TBMP §407.03(a), which states:

If a party on which requests for admission have been served fails to timely respond thereto, the requests will stand admitted by operation of law unless the party is able to show that its failure to timely respond was the result of excusable neglect ....<sup>2</sup>

Accordingly, Abercrombie's motion should be granted in its entirety. The motion should also be granted for the below reasons.

**Interrogatory No. 6**

Abercrombie's Interrogatory No. 6 states:

Identify and describe All markets, channels of distribution and channels of trade (e.g., websites (by URL), trade shows, print publications, events and other outlets) in or through which the goods or services offered under the RUEHL NO. 925 Mark will be or have been licensed, sold, used, displayed, marketed, advertised and promoted, and identify the Person(s) most knowledgeable thereof.

In response, Applicant claimed that it did not understand the question and provided an incomplete answer:

In addition to the general objections and qualifications made herein, Applicant objects to Interrogatory No. 6 as confusingly written, ambiguous, misleading, vague and unintelligible.

Applicant further objects to this interrogatory to the extent that it contains compound questions or subparts.

Subject to the foregoing general and specific objections, and based on Applicant's understanding of the interrogatory, Applicant answers as follows:

Applicant's target market includes general consumers who would shop for clothing and bags online or via brick and mortar retailers.

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<sup>2</sup> As the rule notes, it is unnecessary for Abercrombie to file a motion to deem the requests for admission admitted. Fed. R. Civ. P. 36(a).

In a meet and confer letter on February 25, Abercrombie explained that channels of trade refers to channels or outlets through which Applicant sells, markets, advertises, displays, or licenses, or will sell, market, advertise, display, or license its goods under the RUEHL NO. 925 Mark.

On March 1, Applicant amended its response to further explain why it believed its initial response was sufficient:

Applicant objects to Opposer's request of supplementation because it misstates the original questions posed in Interrogatory No. 6. The full interrogatory identifies and gives examples of markets, channels of distribution and channels of trade.

Using the examples provided in Opposer's Interrogatory, Applicant offers the following response regarding the identification and description of markets, channels of distribution and channels of trade:

Trade Shows - Trade shows are not markets, channel of distribution or channel of trade, that is, a channel through which goods flow to consumers. Trade shows are a business to business networking tool. JMM Lee may display products at trade shows, but it will not offer goods for sale at such events.

Print Publications - Print publications are not markets or channels of distributions unless the publication is a printed mail-order catalog. Applicant does not have plans to sell via print catalogs.

Events - This term is too vague to decipher what Opposer is requesting. Applicant has no plans to sell via "events".

Other Outlets – Applicant will generally identify retail outlets where it plans to offer its goods.

Applicant's original answer is accurate in that it identifies target markets. In terms of channels of distribution and channels of trade, Applicant plans to sell goods via online retailers like Amazon (<http://www.amazon.com>) and eBay (<http://www.ebay.com>). Applicant may also sell to brick and mortar retailers directly or via a 2-step distribution model.

Applicant's amended response not only maintains its misunderstanding of the term "channels of trade" (despite Abercrombie's clarification) but suggests that it can ignore Abercrombie's examples and explanation of the term and choose not to answer the question.

Applicant's response is incomplete and it refuses to identify trade shows, print publications, events, and other outlets through which Applicant has *or will* sell, market, advertise, display, or license its RUEHL NO. 925 Mark. Opposer is entitled to know – rather than guess – the channels through which Applicant will advertise or promote its RUEHL NO. 925 products. Opposer is entitled to know – rather than guess – whether Applicant intends only to sell the copycat products on Amazon or eBay, as opposed to other specific outlets. Applicant refuses to identify these channels, and willfully chooses to ignore the explanation of the term “channels of trade.” Applicant cannot use its ignorance of the meaning of “channels of trade” to avoid answering the interrogatory.

Applicant's objections are not only waived (see above), they are unavailing. For example, Applicant's objection that the Interrogatory is “confusingly written, ambiguous, misleading, vague and unintelligible” is misplaced given that Abercrombie clarified the Interrogatory.<sup>3</sup> Applicant's objection that the Interrogatory is compound is inapt, given that all of the information sought is subsumed into the overall question of the identity of Applicant's actual or intended channels of trade – including examples of what that means. In any event, there is no argument that Opposer has somehow exhausted the number of permissible Interrogatories, even if this particular interrogatory were properly considered “compound.”

For these reasons, Applicant must provide a complete response to this Interrogatory.

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<sup>3</sup> Applicant's claim not to understand a basic term such as “channels of trade” is belied by its own social media account, which is filled with references to trademark decisions and current issues of trademark law. See Peterson Decl., Ex. 1.

## **Request for Admission Nos. 25 and 26**

Pursuant to Fed. R. Civ. P. 36(a), these RFAs – along with the others to which Applicant failed to timely served objections – are deemed admitted. In an abundance of caution – and without waiving the foregoing – Abercrombie nonetheless seeks an order that Applicant must admit these requests. These RFAs seek admissions that Applicant has no evidence that Abercrombie lacks intent to resume use of the RUEHL or NO. 925 marks. Applicant has produced no such evidence. And such an admission is relevant given that Abercrombie has alleged rights in the trademarks RUEHL, NO. 925, and RUEHL NO. 925, and Applicant has alleged an affirmative defense of abandonment. Applicant may have a belief that Abercrombie lacks intent to resume use of the RUEHL and NO. 925 marks (both mistaken), but these requests seek admissions that Applicant does not have any actual *evidence* to support that affirmative defense. Nonetheless, Applicant refused to respond to the Requests, arguing:

Applicant objects to this request on the grounds that it contains terms that are vague and ambiguous. Applicant further objects to this request as it assumes facts not in evidence. Opposer's Request assumes that Applicant was aware of A&F's purported use of the [RUEHL/NO. 925] trademark. Such use (and knowledge thereof), would be required in order to determine if Opposer had intent to resume use.

Therefore, Applicant has insufficient knowledge or information as to the facts sought to be admitted in Request No. 26, and therefore denies such requests.

The problems with Applicant's response are twofold. First, in its other responses, Applicant admitted that it was aware of Abercrombie's use of the mark RUEHL NO. 925, and denied a similar RFA as to evidence of lack of intent to resume use of that mark. However, Applicant has apparently drawn a distinction between the use of RUEHL NO. 925 (as a composite) versus the use of RUEHL or NO. 925 by themselves. As a result of this distinction, Applicant refused to respond to requests relating to Abercrombie's use of RUEHL and NO. 925 separately, rather than combined. That arbitrary distinction is without merit. Beyond this,

Applicant's response incorrectly assumes that it must have been aware of Abercrombie's use of RUEHL or NO. 925 (individually) to respond to the Requests. Applicant misses the point of the Requests. Either it is in possession of evidence that Abercrombie lacks intent to resume use of these marks (RUEHL and NO. 925) or it is not. A response need not be predicated on whether Applicant believes Abercrombie previously established use of those marks, individually. If Applicant has no such evidence, it must admit the Requests.

Accordingly, Applicant must amend its responses to admit the Requests.

Dated: April 10, 2019

Respectfully Submitted,

COOLEY LLP

/s/ Marcus Peterson

Bobby Ghajar

Marcus Peterson

COOLEY LLP

1333 2nd Street, Suite 400

Santa Monica, California 90401-4100

Tel: (310) 883 6400

Fax: (310) 883 6500

bghajar@cooley.com

mpeterson@cooley.com

*Counsel for Opposer, Abercrombie & Fitch Trading Co.*



**CERTIFICATE OF SERVICE**

I, Marcus Peterson, hereby certify that a true and complete copy of the foregoing **OPPOSER'S MOTION TO COMPEL AND MOTION TO TEST THE SUFFICIENCY OF APPLICANT'S RESPONSES TO CERTAIN REQUESTS FOR ADMISSION and DECLARATION OF MARCUS PETERSON** has been served on Respondent by forwarding said copy on April 10, 2019 via email, to:

Michael J. Lee  
JMM Lee Properties LLC  
2807 Antigua Dr  
Burbank, CA 91504  
[mlee@jmmlee.com](mailto:mlee@jmmlee.com)

/s/ Marcus Peterson

Marcus Peterson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial Nos. 87/367,487 and 87/355,854  
For the Trademarks RUEHL NO.925 in Class 18 and RUEHL NO.925 in Class 25  
Published in the Official Gazette on April 3, 2018

ABERCROMBIE & FITCH TRADING CO.	)	
	)	
Opposer,	)	
	)	Opposition No. 91242788
v.	)	
	)	
JMM LEE PROPERTIES, LLC	)	
	)	
Applicant.	)	
_____	)	

**DECLARATION OF MARCUS PETERSON IN SUPPORT OF OPPOSER’S MOTION  
TO COMPEL AND MOTION TO TEST THE SUFFICIENCY OF APPLICANT’S  
RESPONSES TO CERTAIN REQUESTS FOR ADMISSION**

I, Marcus Peterson, declare as follows:

1. I am an associate in the law firm of Cooley LLP (“Cooley”), counsel in this action for Opposer Abercrombie & Fitch Trading Co. (“Abercrombie”). I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein. I make this declaration in support of Applicant’s Motion for an Extension of the Answer Deadline.
2. Abercrombie served the discovery requests at issue on December 12, 2018. Applicant’s responses were due January 11 per TBMP §403.03.
3. Abercrombie granted a 30-day extension to Applicant, making the responses due February 10, which was a Sunday, making responses due February 11.
4. On Saturday, February 9, Applicant emailed me and noted that Abercrombie’s Requests for Production of Documents contained a numbering error and requested that I send a

new version of the Requests, which I did the next business day, Monday, February 11.

Applicant did not note any issues with the Interrogatories or Requests for Admission, and did not request a further extension of time to respond to the discovery requests.

5. In a February 12 phone call, I advised Applicant that its responses were late, and its objections waived. Applicant then served the responses, including those at issue in this motion, on February 13.
6. Attached as Exhibit 1 is a true and correct copy of a portion of Applicant's Twitter feed, which is filled with references to trademark decisions and current issues of trademark law.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2019 in Santa Monica, California.

DATED: April 10, 2019

By: /s/ Marcus Peterson  
Marcus D. Peterson  
Cooley LLP  
1333 2nd Street, Suite 400  
Santa Monica, CA 90401  
(310) 883-6400

**EXHIBIT 1**

# JMM Lee



Tweets 531 Following 37 Followers 3,542 Likes 39 Lists 1

Follow

### Matt and Michael Lee

@JMMBrandMan

Brand specialist, JMM Lee Properties, LLC, the owner of a diversified portfolio of fashion, home appliance, and telecommunication brands.

Los Angeles, CA

jmmlee.com

Joined September 2011

### Tweets Tweets & replies

**Matt and Michael Lee** @JMMBrandMan · Mar 18  
meadvilletribune.com/news/penn-sta... | Penn State hits roadblock on 'Happy Valley' trademark quest - Penn State unhappy about PTO Happy Valley determination. #pennstate #happyvalley.

## The Meadville Tribune

MEADVILLETRIBUNE.COM

**Penn State hits roadblock on 'Happy Valley' trademark quest**  
HARRISBURG -- A Penn State bid to trademark the name 'Happy Valley' may be spooked by the U.S. Trademark Office.  
meadvilletribune.com

**Matt and Michael Lee** @JMMBrandMan · Mar 15  
How Brand Licensing Keeps Retailers Visible In A Shifting Landscape  
sourcjournal.com/topics/retail/... via @SourcJournal



**How Brand Licensing Keeps Retailers Visible In A Shifting Landscape**  
Experiential marketing, like pop-up shops and social-media integrations, is one way brands can use licensing to expand their visibility.  
sourcjournal.com

**Matt and Michael Lee** @JMMBrandMan · Mar 7  
reuters.com/article/us-sea... - What was Sears thinking. #sears #back&decker



**Sears is sued over 'Craftsman' brand**  
Sears is back into court, less than one month after emerging from bankruptcy protection.  
reuters.com

**Matt and Michael Lee** @JMMBrandMan · Feb 25  
McDonald's Has Its 'Big Mac' Trademark Taken Away in Europe  
529m.com/modonals-has... @929m - Can't have a Big Mac Attack in Europe! #McDonalds #bigmac



### New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

### You may also like

- David Hall @letsrolltoms
- Top Afrobeats Videos @WakulaRoom
- Hiji dua hiji dua tilu @Tateramgkhanaaa
- SFGate @SFGate
- Karl the Fog @KarlTheFog

### Worldwide trends

- Candace Owens 15K Tweets
- #COYS Tottenham vs Man City
- #TOTMCI Tottenham vs Man City
- #YachtCocaineProstitutes 119K Tweets
- #PortfolioDay 14.1K Tweets
- #OneLastDance "Bigger than basketball" — The Dwyane Wade tribute video that hits you right in the tear ducts
- Ederson 9,168 Tweets
- Harry Kane 9,112 Tweets
- Ted Lieu 46.5K Tweets
- Mahrez Tottenham vs Man City

McDonald's has lost its Big Mac trademark battle away in Europe  
After two years of litigation with an Irish restaurant chain, McDonald's has lost its European trademark on the name 'Big Mac'.  
3/25/16 | CNN

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**Matt and Michael Lee** @IMMBrandMan · Feb 7  
[today.com/food/campbell...](http://today.com/food/campbell...) - Unless you're Campbell's, you can't call it Chunky?



**Campbell's Soup just trademarked the word 'chunky' — here's why**  
Apparently, you can trademark adjectives now.  
[today.com](http://today.com)

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**Matt and Michael Lee** @IMMBrandMan · Feb 2  
Judge Dismisses Lawsuit Claiming Levi's a "Trademark Bully"  
[sourcingjournal.com/denim/denim-bu...](http://sourcingjournal.com/denim/denim-bu...) via @SourcingJournal - Levi's deemed "trademark bully" #levi's



**Judge Dismisses Lawsuit Claiming Levi's a "Trademark Bully"**  
Levi Strauss & Co. has won a legal battle against UK brand, Barbour, that alleged the American organization was a "trademark bully."  
[sourcingjournal.com](http://sourcingjournal.com)

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**Matt and Michael Lee** @IMMBrandMan · Jan 29  
Resorts World Las Vegas, Wynn Resorts settle trademark dispute  
[lvj.com/post/1382857](http://lvj.com/post/1382857) via @ReviewJournal - What impact will this settlement have on Wynn's brand? #otm. #vegas



**Resorts World Las Vegas, Wynn Resorts settle trademark dispute**  
Las Vegas Strip resort neighbors resort neighbors reached an out-of-court settlement on trademark infringement claims that Wynn Resorts Ltd. raise.  
[reviewjournal.com](http://reviewjournal.com)

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**Matt and Michael Lee** @IMMBrandMan · Jan 25  
 **Adventure Series Book Publisher Sues Netfix Over...**  
Netfix's Black Mirror: Bandersnatch lets viewers make decisions for the main character. The publisher of the Choose Your Own Adventure book series is suing Netfix.  
[npr.org](http://npr.org)

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**Matt and Michael Lee** @IMMBrandMan · Jan 17  
Kavanaugh likes beer...but the USPTO doesn't like Kavanaugh beer!  
 **TTABlog** @TTABlog  
KAVANAUGH BEER faces 2(a) Refusal at USPTO: "likely to point unmistakably to Justice Kavanaugh". Serial No. 88135225.

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**Matt and Michael Lee** @IMMBrandMan · Jan 17  
An Irish Burger Chain Claims a Trademark Win Over McDonald's  
[nytimes.com/2RPGGBL](http://nytimes.com/2RPGGBL) - Is McDonald's a global trademark bully? #McDonald's, #trademark, #burger



**An Irish Burger Chain Claims a Trademark Win Over McDonald's**  
At issue is the similarity between the name of Supermac's, which has just over 100 outlets, and the Big Mac.  
[nytimes.com](http://nytimes.com)

**Matt and Michael Lee** @JMMBrandMan · Jan 10  
[ipwatchdog.com/2019/01/09/sup...](http://ipwatchdog.com/2019/01/09/sup...) #scandalous #trademark



**Supreme Court to Hear Case on Constitutionality of...**  
 The United States Supreme Court on Friday agreed to hear *Iancu v. Brunetti* (Case No. 18-302). The petition for certiorari was filed by the USPTO on appeal from a C...  
[ipwatchdog.com](http://ipwatchdog.com)

**Matt and Michael Lee** @JMMBrandMan · Jan 10  
 Costco loses bid to reverse \$19M trademark win for Tiffany & Co



**Costco loses bid to reverse \$19M trademark win for...**  
 Wholesale company Costco has lost a bid to reverse or reduce a \$19.4 million judgment against it in a lawsuit filed by jewellery retailer Tiffany & Co for unlawfully usi...  
[worldiprivacy.com](http://worldiprivacy.com)

**Matt and Michael Lee** @JMMBrandMan · Jan 4  
 Penn State moves to trademark the Happy Valley nickname



**Penn State moves to trademark the Happy Valley nickname**  
 STATE COLLEGE, Pa. (AP) — It's sometimes called State College and sometimes University Park, but Penn State wants to ensure it holds the  
[apnews.com](http://apnews.com)

**Matt and Michael Lee** @JMMBrandMan · 26 Dec 2018  
 Wynn sues new \$4billion Las Vegas resort for 'copying its architectural style' claiming the conca - [go.gla/whs/38yfq](https://go.gla/whs/38yfq) - Copycat casino? #Wynn #Vegas #trademark



**Wynn sues \$4B Las Vegas resort for 'copying its architectural style'**  
 Wynn Resorts Holdings filed a federal trademark infringement lawsuit against the \$4-billion Resorts World Las Vegas on Friday. They said its  
[dailylocal.co.uk](http://dailylocal.co.uk)

**Matt and Michael Lee** @JMMBrandMan · 22 Dec 2018  
[thefashionlaw.com/home/years-att...](http://thefashionlaw.com/home/years-att...) - Is Rolex a trademark bully? #Rolex #trademark



**Matt and Michael Lee** @JMMBrandMan · 22 Dec 2018  
 Online petition saying Disney has exploited Africa gains steam, toppling 138,000 signatures



**Online petition saying Disney has exploited Africa gains steam, toppling...**  
 Disney filed to trademark the term "Hakuna Matata" around the same time as its 1994 cinema release of "The Lion King."  
[crtc.com](http://crtc.com)

**Matt and Michael Lee** @JMMBrandMan · 6 Dec 2018  
 China driving stunning growth in global trademark applications: UN  
[inp3q/news/business/...](http://inp3q/news/business/...) #readOnTNP via @thenewpaper



**Matt and Michael Lee** @JMMBrandMan · 5 Dec 2018



**Monster Energy Loses Trademark Opposition Agai...**  
 A review of our stories about Monster Energy's trademark bullying ways might leave some scratching their heads as to why the...  
[techtalk.com](http://techtalk.com)

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**Matt and Michael Lee** @JMMBrandMan · 5 Dec 2018



**Kenya's anger about Disney's use of 'Hakuna Matata' raises tradem...**  
 Mariette Du Plessis of Adams & Adams explains why companies trademark taglines and discusses the legalities behind it.  
[capetalk.co.za](http://capetalk.co.za)

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**Matt and Michael Lee** @JMMBrandMan · 27 Nov 2018

Tequila Regulatory Council opposes Elon Musk's 'Teslaquila' trademark  
[thedrinksbusiness.com/2018/11/tequila...](http://thedrinksbusiness.com/2018/11/tequila...) via @teambdb



**Tequila Regulatory Council opposes Elon Musk's 'T...**  
 The Consejo Regulador del Tequila (CRT) has opposed Tesla CEO Elon Musk's 'Teslaquila' trademark, filed in October, stating that it is an "unauthorised use" of the...  
[thedrinksbusiness.com](http://thedrinksbusiness.com)

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**Matt and Michael Lee** @JMMBrandMan · 20 Nov 2018



**Levi Strauss accuses YSL of trademark infringement**  
 Clothing brand Levi Strauss has accused Yves Saint Laurent of undertaking the "illegal activities" of trademark infringement and dilution, in a lawsuit centring on Levi...  
[worldpreview.com](http://worldpreview.com)

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**Matt and Michael Lee** @JMMBrandMan · 8 Nov 2018

[jurist.org/news/2018/11/g...](http://jurist.org/news/2018/11/g...) - Who owns the Scouts TM? #boy Scouts, #BSA



**Girl Scouts sue Boy Scouts for trademark infringe...**  
 The Girl Scouts of the United States of America (GSUSA) filed a lawsuit on Tuesday against the Boy Scouts of America (BSA) for trademark infringement, resulting from...  
[jurist.org](http://jurist.org)

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**TTABlog** @TTABlog · 27 Oct 2018

TTAB Finds photo of Grumpy Cat merely descriptive of Grumpy-Cat related goods and services  
[ttabvue.uspto.gov/ttabvue/ttabvu...](http://ttabvue.uspto.gov/ttabvue/ttabvu...)



1 15 17



**Matt and Michael Lee** @JMMBrandMan · 18 Oct 2018

Kylie Jenner & Caitlyn Jenner in a trademark war! [oyeyeah.com/celebrity/kyl...](http://oyeyeah.com/celebrity/kyl...) via @Oyeyeah - Who owns the Jenner name?



**Kylie Jenner & Caitlyn Jenner in a trademark war! - Oyeyeah**  
 Kylie Jenner is one of the youngest, richest celebrity in the world. The young entrepreneur has been lauded for her business success and her knack for...  
[oyeyeah.com](http://oyeyeah.com)

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**Matt and Michael Lee** @JMMBrandMan · 16 Oct 2018  
Court rejects DeLorean widow's 'Back to the Future' lawsuit



**Court rejects DeLorean widow's 'Back to the Future' lawsuit**

A federal court in New Jersey has dismissed a lawsuit brought by the widow of car-maker John DeLorean over royalties stemming from the Back to the Future franchise. [independent.co.uk](http://independent.co.uk)

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**Matt and Michael Lee** @JMMBrandMan · 11 Oct 2018  
Colin Kaepernick wants to trademark an image of his face and hair [cnn.com/2018/10/11/sports/colin-kaepernick-trademark/](http://cnn.com/2018/10/11/sports/colin-kaepernick-trademark/) - For someone who "risked everything", Kaepernick is doing quite well.



**Colin Kaepernick wants to trademark an image of h...**  
Fans could be able to buy t-shirts, shampoo and even candles featuring a black and white image of the athlete and activist with a beard, mustache and afro hairstyle. [cnn.com](http://cnn.com)

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**Matt and Michael Lee** @JMMBrandMan · 8 Oct 2018  
[nbcports.com/philadelphia/](http://nbcports.com/philadelphia/) - Lame cliché.



**Sixers now embracing unofficial motto of Hinkie regime**

The Sixers have gone from trying to distance themselves from Sam Hinkie to embracing the phrase that embodies what he was all about. By Noah Levick [nbcports.com](http://nbcports.com)

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**Matt and Michael Lee** @JMMBrandMan · 21 Sep 2018  
Kirk Cousins, the Vikings and the NFL are bickering over a lame catch phrase. Doesn't the NFL have bigger issues to focus on?

**TTABlog** @TTABlog  
(Pathetic on many levels, including use of "trademark" as a verb) Kirk Cousins trying to trademark catchphrase "You Vike that!" [bringmethenews.com/minnesota-spor...](http://bringmethenews.com/minnesota-spor...) via @bringmethenews

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**Matt and Michael Lee** @JMMBrandMan · 21 Sep 2018  
Very unnecessary comments after trademark story upset Minkah Fitzpatrick [si.com/1Mh7ZWC](http://si.com/1Mh7ZWC) - Who has the #fitzmagi?



**'Very unnecessary comments' after trademark story upset Minkah Fitzpatrick**

When the news came out earlier this week that Miami Dolphins safety Minkah Fitzpatrick had filed an application with the U.S. Patent and Trademark Office, it was met with a wave of criticism. [si.com](http://si.com)

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**Matt and Michael Lee** @JMMBrandMan · 12 Sep 2018  
[patentfy.com/patent/2018/09...](http://patentfy.com/patent/2018/09...) - Under the proper analysis, the First Amendment does not prohibit Congress from making vulgar terms and graphic sexual images ineligible for federal trademark registration.



**Government: We Can Still Regulate Morality**

by Dennis Crouch Morality judgments have been a core governmental activity for millennia. However, when it comes to limiting speech... [patentfy.com](http://patentfy.com)

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**Matt and Michael Lee** @JMMBrandMan · 6 Sep 2018  
[e1evn.com/chio-state-foo...](http://e1evn.com/chio-state-foo...) - Who Owns the Big 'O'?



**Ohio State Files Action Against Oklahoma for Block 'O' Trademark**  
Ohio State files an action against University of Oklahoma to the Trademark Trial and Appeal Board for Oklahoma's use of a block "O."  
envernetnews.com

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**Matt and Michael Lee** @JMMBrandMan · 26 Aug 2018  
Procter & Gamble attempting to trademark 'LOL', 'WTF', and other millennial acronyms [myarklamiss.com/news/national...](http://myarklamiss.com/news/national...) - #WTF - you can't trademark these acronyms.



**Procter & Gamble attempting to trademark 'LOL', 'WTF', and other mil...**  
Procter & Gamble, the world's largest consumer-products company, has filed paperwork with the U.S. Patent and Trademark Office to trademark  
[myarklamiss.com](http://myarklamiss.com)

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**Matt and Michael Lee** @JMMBrandMan · 21 Aug 2018  
In-N-Out Burger sends pun-tastic trademark letter to brewery [worldpreviews.com/news/in-n-out...](http://worldpreviews.com/news/in-n-out...) - Trademark enforcement with a sense of humor.



**In-N-Out Burger sends pun-tastic trademark letter t...**  
US fast-food restaurant chain In-N-Out Burger has sent a trademark enforcement letter frothing with puns to a California-based brewery.  
[worldpreviews.com](http://worldpreviews.com)

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**Matt and Michael Lee** @JMMBrandMan · 18 Aug 2018  
Inside the Fight to Trademark Candy Shapes in America



**Inside the Fight to Trademark Candy Shapes in Am...**  
From Hershey's kisses to the Kit Kat bar.  
[time.com](http://time.com)

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**Matt and Michael Lee** @JMMBrandMan · 12 Aug 2018



**Native Hawaiian activists call for boycott, protest over 'Aloha Poke' tr...**  
"We're not opposed to fusion foods. But what we are opposed to is rampant exploitation and harassment, really, of our people."  
[nbcnews.com](http://nbcnews.com)

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**Matt and Michael Lee** @JMMBrandMan · 2 Aug 2018



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**Matt and Michael Lee** @JMMBrandMan · 24 Jul 2018  
Taylor Swift in legal soup over allegedly stealing gaming app title [driandia.com/news/65/](http://driandia.com/news/65/) via @driandia



**Taylor Swift in legal soup over allegedly stealing ga...**  
Taylor Swift's 'The Swift Life' is in trouble  
[driandia.com](http://driandia.com)

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**Matt and Michael Lee** @JMMBrandMan · 19 Jul 2018  
[techtid.com/articles/20180...](http://techtid.com/articles/20180...) - Who could hang a name on you?



**How A US Burger Chain Brought 'Ruby Tuesday' F...**  
Circles are so zen. So jedi. So the force. "The circle is now complete." Darth Vader says in A New Hope. Well, it turns out...  
[techtid.com](http://techtid.com)

**Matt and Michael Lee** @JMMBrandMan · 21 Jun 2018  
#Nike Apologizes to the U.S. Naval Academy for its Undefeated Logo  
[footwearnews.com/2018/focus/ath...](https://footwearnews.com/2018/focus/ath...) via @footwearnews · When in doubt, say you're sorry.



**Matt and Michael Lee** @JMMBrandMan · 15 Jun 2018  
Naval Academy to Nike, Los Angeles boutique: Cease and desist using logo resembling crest



**Naval Academy to Nike, Los Angeles boutique: Cease and desist usi...**  
The Naval Academy is demanding that Nike and the Undefeated, a Los Angeles-based boutique, stop using a logo closely resembling its historic...  
[capitagazette.com](https://capitagazette.com)

**Matt and Michael Lee** @JMMBrandMan · 12 Jun 2018  
Levi's Catches Air (Again) With Nike Collab [licenseglobal.com/apparel-access...](https://licenseglobal.com/apparel-access...) · Is this a good pairing?

**Matt and Michael Lee** @JMMBrandMan · 7 Jun 2018  
Sesame Street Loses Trademark Lawsuit Over 'Happytime Murders' Film To Muppet Lawyer, Fred. Esq. [abovethelaw.com/2018/06/sesame...](https://abovethelaw.com/2018/06/sesame...) · This lawsuit was a loser from the start. Moreover, it provides this lame movie more attention than it deserves. #lawsuit, #sesamestreet, #Muppets



**Sesame Street Loses Trademark Lawsuit Over 'Hap...**  
When will people learn that censorship attempts only draw more attention to the issue?  
[abovethelaw.com](https://abovethelaw.com)

**Matt and Michael Lee** @JMMBrandMan · 6 Jun 2018  
Law professor fights company's claim to 'Rapunzel' trademark [tfchronicle.com/news/article/...](https://tfchronicle.com/news/article/...) via @tfchronicle · Who owns the #Rapunzel name?

**Matt and Michael Lee** @JMMBrandMan · 30 May 2018  
34 trademarked brands that have become household names [read.bi/0Z7LR0](https://read.bi/0Z7LR0) via @businessinsider · Are these brands/trademarks generic? #trademarks #brands



**Taser, Xerox, Popsicle, and 31 more brands-turned-household names**  
Google, Taser, and Xerox are all examples of brand names that have become generic words for a type of product. The process is known as g...  
[businessinsider.com](https://businessinsider.com)

**Matt and Michael Lee** @JMMBrandMan · 30 May 2018  
China approves 13 new Ivanka Trump trademarks in 3 months [nypost.com/2018/05/30/ivanka-trump-trademarks/](https://nypost.com/2018/05/30/ivanka-trump-trademarks/) via @nypost · Ivanka a big name in China.



**China approves 13 new Ivanka Trump trademarks in 3 months**  
SHANGHAI — Ivanka Trump's brand continues to win foreign trademarks in China and the Philippines, adding to questions about conflicts of interest at [nypost.com](https://nypost.com).

**Following the Stone Brewing-Miller-Coors Trademar...**  
A recent blog post chronicled the trademark infringement

action Stone Brewing had initiated against MillerCoors for its marketing of Keystone Light, which allegedly emp. jdsuprx.com

Matt and Michael Lee @JMMBrandMan · 24 Apr 2018  
#Yeti coolers cuts ties with #NRA, adding to a fast growing list of brands doing so fortune.com/2018/04/23/yeti... via @FortuneMagazine - Will there be a backlash from gun owners?



Delta, REI, and Now Yeti. Here's a List of Brands Cutting Ties With... Gun enthusiasts call for a boycott. fortune.com

Matt and Michael Lee @JMMBrandMan · 20 Apr 2018  
LeBron James in Trademark Tangle Over Barbershop Web Series via @forbes



LeBron James in Trademark Tangle Over Barbershop Web Series A couple weeks ago, LeBron James said the University of Alabama stole his barbershop show concept, and now a Michigan man says James stole the... forbes.com

Matt and Michael Lee @JMMBrandMan · 19 Apr 2018  
pprotheinternet.com/pprotheintern... - #MillerCoors hits back over STONE trademark allegations - Stone Brewing casts the first stone.

Matt and Michael Lee @JMMBrandMan · 18 Apr 2018

Matt and Michael Lee @JMMBrandMan · 13 Apr 2018  
Behind its laid-back image, #Cescahella aggressively protects its #trademark. latimes.com/entertainment/... - Don't mess with 'Chella'

The notoriously litigious Levi Strauss has slapped Kenzo with a trademark infringement lawsuit. According to the denim giant's complaint, which was filed on Friday in f... thefashionista.com

Matt and Michael Lee @JMMBrandMan · 22 Mar 2018  
bizjournals.com/columbus/news/... - Who owns TM rights to O-HAI-O?



Ohio State Hai Poke Trademark - Columbus Business First Ohio State University is considering whether to oppose a Short North restaurant's trademark application for O-HAI-O. bizjournals.com

Matt and Michael Lee @JMMBrandMan · 9 Mar 2018  
Snap Interactive, quietly settling with Snap over trademark infringement, changes name to tcrn.ch/2F6dZ5l via @techcrunch

Matt and Michael Lee @JMMBrandMan · 23 Feb 2018

Oakland pot dispensary takes stand against Hersh... Although Hershey's has been relatively quiet in the marijuana sector since it sued two cannabis businesses in 2014, the company seemingly ramped up its oversight abc7news.com

Matt and Michael Lee @JMMBrandMan · 22 Feb 2018  
Venezia Fashion Week: 100+ Brands Trade on Fashion's Most Exclusive Division

regal...  
hij.com/post/1316041 via @renewjournal



**Vegas Golden Knights, US Army look to settle trad...**  
The Vegas Golden Knights and the U.S. Department of the Army are working things out over the trademark of the name 'Golden Knights' which is the Army's parachute.  
renewjournal.com

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**Matt and Michael Lee** @JMMBrandMan · 6 Feb 2018  
McGregor set for trademark battle with make-up giants



**McGregor set for trademark battle with make-up giants**  
The Dubliner has been trying to tie down a series of trademarks associated with his personal brand  
eslmiwot.ie

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**Matt and Michael Lee** @JMMBrandMan · 31 Jan 2018  
NCAA Files Trademark Action Against Owner Of Markdown Madness via @forbes  
forbes.com/sites/danrethe... - #NCAA owns all things #madness?



**NCAA Files Trademark Action Against Owner Of Markdown Madness**  
The NCAA has filed a trademark infringement lawsuit against a company that owns and is using the trademark registered mark Markdown Madness...  
forbes.com

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**Matt and Michael Lee** @JMMBrandMan · 31 Jan 2018  
Super Bowl Legal Blitz: Inside The NFL's Legendary Trademark Defe... via @forbes  
forbes.com/sites/michelle... - It's the Big Game, not the #SuperBowl!



**Super Bowl Legal Blitz: Inside The NFL's Legendary Trademark Defe...**  
The NFL is fighting the production and sale of counterfeit goods in a new lawsuit, but this is just one small part of its continued, sometimes over-th...  
forbes.com

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**Matt and Michael Lee** @JMMBrandMan · 26 Jan 2018  
#BrewDog wins #trademark appeal over Elvis Juice IPA  
thedrinksbusiness.com/2018/01/brewdo... via @teambdo - #Elvis (trademark) was dead, but now is alive.



**BrewDog wins trademark appeal over Elvis Juice IPA**  
BrewDog has won its battle against the Elvis Presley estate after a previous ruling, which banned the Scottish brewer from calling one of its beers 'Elvis Juice,' was  
thedrinksbusiness.com

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**Matt and Michael Lee** @JMMBrandMan · 25 Jan 2018  
thewrap.com/grumpy-cat-win... - #Grumpy Cat has a reason to smile after trademark lawsuit.



**Grumpy Cat Wins \$710,001 in Copyright Lawsuit: 'Memes Have Right...**  
Internet-famous cat Grump Cat wins lawsuit against beverage company Grenade  
thewrap.com

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**Matt and Michael Lee** @JMMBrandMan · 18 Jan 2018  
#Twitter faces trademark infringement lawsuit from podcast network  
engadget.com/2018/01/17/... via @engadget