

Trademark case: Excelled Sheepskin & Leather Coat Corp. v. Oregon Brewing Company, USA

Kluwer Trademark Blog

August 10, 2018

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Please refer to this post as: Cheryl Beise, 'Trademark case: Excelled Sheepskin & Leather Coat Corp. v. Oregon Brewing Company, USA', Kluwer Trademark Blog, August 10 2018, <http://trademarkblog.kluweriplaw.com/2018/08/10/usa-excelled-sheepskin-leather-coat-corp-v-oregon-brewing-company-united-states-court-appeals-second-circuit-no-16-3602-27-july-2018/>

In a trademark dispute over use of the brand name ROGUE for clothing, the federal district court in New York City erred by ruling on summary judgment that an apparel manufacturer was the rightful owner of the mark for clothing, and that an Oregon brewery was only entitled to sell clothing under the ROGUE Mark as complements to and in promotion of its own brewing business, U.S. Court of Appeals for the Second Circuit has ruled. The brewery's 20 years of prior use of its mark sufficed to overcome the presumption of validity attached to the clothier's trademark registrations. The district court also erred in finding that laches barred the brewery's infringement counterclaims and that no reasonable jury could find that the clothier did not commit fraud on the USPTO when it obtained its registrations (*Excelled Sheepskin & Leather Coat Corp. v. Oregon Brewing Company*, July 27, 2018, Leval, P.).

Case date: 27 July 2018

Case number: No. 16-3602

Court: United States Court of Appeals, Second Circuit

A full summary of this case has been published on [Kluwer IP Law](#).