

USA: The Row, Inc. v. Rooke, LLC, United States Court of Appeals, Sixth Circuit, No. 18-5068, 20 September 2018

Kluwer Trademark Blog

October 10, 2018

[George Basharis](#)

Please refer to this post as: George Basharis, 'USA: The Row, Inc. v. Rooke, LLC, United States Court of Appeals, Sixth Circuit, No. 18-5068, 20 September 2018', Kluwer Trademark Blog, October 10 2018, <http://trademarkblog.kluweriplaw.com/2018/10/10/usa-row-inc-v-rooke-llc-united-states-court-appeals-sixth-circuit-no-18-5068-20-september-2018/>

The U.S. Court of Appeals for the Sixth Circuit upheld the dismissal of a trademark infringement suit filed by a Nashville restaurant called “The Row Kitchen and Pub” against a competing restaurant named “Dierks Bentley’s Whiskey Row.” Although the restaurants were direct competitors serving tourists visiting Nashville’s Music Row; offered inexpensive, pub-style food and drinks and live music; and were marketed through the same social media and restaurant review channels, the term “row” was only indicative of location and did not have a secondary meaning. Further, the marks were visually dissimilar, and The Row Kitchen and Pub offered very little evidence to raise a genuine issue of material fact that the Whiskey Row mark created the likelihood of confusion (The Row, Inc. v. Rooke, LLC, September 20, 2018, Keith, D.).

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