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# Kluwer Trademark Blog

## Trademark case: In re Reelex Packaging Solutions Inc., USA

Brian Craig (Wolters Kluwer Legal & Regulatory US) · Wednesday, April 7th, 2021

The TTAB acted within its discretion in weighing evidence of functionality and alternative designs.

The Trademark Trial and Appeal Board had sufficient evidence to find that two box designs for electric cables and wire to prevent tangling submitted by applicant Reelex Packaging Solutions, Inc. were functional and not entitled to trademark protection as trade dress, the U.S. Court of Appeals for the Federal Circuit has ruled. The Federal Circuit rejected the applicant's argument that the Board erred in failing to consider competent evidence of alternative designs in rendering its functionality determination. In holding that the Board was entitled to assess credibility and had broad discretion to weigh the evidence presented, the Federal Circuit found that Board expressly considered evidence of alternative designs consisting of a declaration by the applicant's employee (In re Reelex Packaging Solutions, Inc., November 5, 2020, O'Malley, K.).

Case date: 05 November 2020

Case number: No. 20-1282

Court: United States Court of Appeals, Federal Circuit

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

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