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Trademark case: I.O.B. Realty Inc. v. Patsy's Brand Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Thursday, September 9th, 2021

The district court on remand failed to explain the reason's for its summary judgment and order directing the PTO to register a rival restaurant's mark.

The U.S. Court of Appeals in New York City for a second time has vacated a Manhattan district court's judgment ordering the USPTO to grant New York City restaurant operator I.O.B. Realty's pending trademark applications for registration of PATSY'S PIZZERIA for pizzeria services on the ground that there was no likelihood of confusion with the registered PATSY'S BRAND mark owned by rival New York restaurant operator Patsy's Brand. The appeals court agreed with the district court that the record established an absence of likelihood of confusion between the parties' marks. However, because the district court contravened the Second Circuit's first mandate directing the court to explain its judgment, the appellate court entered summary judgment in favor of Patsy's Brand. In view of this final disposition, the district court's order directing the USPTO to grant I.O.B.'s pending application to register its marks was vacated (I.O.B. Realty, Inc. v. Patsy's Brand, Inc., August 17, 2021, per curiam).

Case date: 17 August 2021

Case number: No. 20-1988

Court: United States Court of Appeals, Second Circuit

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

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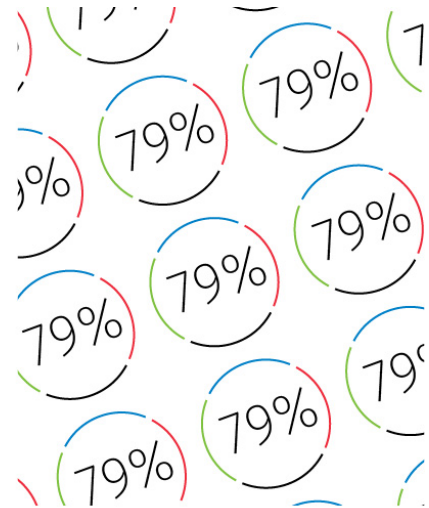
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